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Rules and Regulations

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6473]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PART 245—BEER

Miscellaneous Amendments

On April 15, 1960, a notice of proposed rule making to amend 26 CFR Parts 170, Miscellaneous Regulations Relating to Liquor, and 245, Beer, was published in the FEDERAL REGISTER (25 F.R. 3259).

In accordance with the notice, interested persons were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No comments or objections having been received, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

1. A new amendatory paragraph is inserted, immediately following the material amending § 245.41, to amend § 245.42.

2. The first sentence of § 245.117a is changed to read "The tax on beer shall (unless prepaid) be paid by semimonthly return on Form 2034, which shall be filed, with remittance, for the full amount of tax due as shown on the return."

3. In order to include an additional change in § 245.161, a new amendatory paragraph 2a is inserted, immediately following paragraph 2.

4. Section 245.231 is changed to read as set forth below.

Because this Treasury decision is a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(Sec. 7805 I.R.C.; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

Approved: June 22, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to (1) provide rules in the beer regulations (Part 245) for the payment of beer tax by semimonthly or prepayment return, (2) provided a revised basis for calculation of the penal sum of a brewer's bond, (3) implement certain administrative changes, and (4) make certain technical changes, 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, and 26 CFR Part 245, Beer, are amended as follows:

Part 170 is amended as follows:

§ 170.402 [Amendment]

Section 170.402 is amended by inserting immediately after the phrase "on and after June 24, 1959," the phrase "and before July 1, 1960,".

Part 245 is amended as follows:

§ 245.5 [Amendment]

Section 245.5 is amended as follows:

1. By adding, immediately following the definition entitled "District Director," a new definition to read:

Executed under penalties of perjury. "Executed under penalties of perjury" shall mean signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this _____ (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

2. By adding, immediately following the definition entitled "Removed for consumption or sale," two new definitions to read:

Secretary. "Secretary" shall mean the Secretary of the Treasury.

This chapter. "This chapter" shall mean Chapter I, Title 26, Code of Federal Regulations.

§ 245.41 [Amendment]

Section 245.41 is amended as follows:

1. By changing the period at the end of paragraph (m) to a comma and adding the words "showing their residence and business addresses."; and

2. By changing the citation to read "(72 Stat. 1388; 26 U.S.C. 5401)".

§ 245.42 [Amendment]

Section 245.42 is amended by changing the period at the end thereof to a comma and adding the words "except that a certified true copy, in triplicate, of a resolution of the board of directors authorizing a person to sign or act on behalf of the brewer will be accepted as evidence of the authority of such person to so sign or act."

§ 245.45 [Amendment]

Section 245.45 is amended as follows:

1. By striking from the first sentence the words "in triplicate,"; and

2. By changing the citation to read "(72 Stat. 1388; 26 U.S.C. 5401)".

§ 245.46 [Amendment]

Section 245.46 is amended by striking, at the end thereof, the words "nor be less than $1,000.", and inserting in lieu thereof the words "where the tax on beer is to be prepaid, or $500,000 where payment of such tax is to be deferred as provided in § 245.117a, and that the penal sum of any such bond shall be not less than $1,000."

A new § 245.46a is added, immediately following § 245.46 to read:

§ 245.46a Tax deferral; extension of terms of existing bond.

Where a brewer intends to commence deferring tax on beer as provided in § 245.117a and his existing bond (or bonds) is in a sufficient penal sum, or where a brewer files a strengthening bond to increase the total penal sum of the existing bond (or bonds) to a sufficient penal sum to defer the tax, a consent of surety, Form 1533, shall be filed to extend the terms of the existing bond (or bonds) to cover future transactions. In either case, the consent shall properly identify the bond (or bonds), Form 1566, to which it applies and shall contain the following statement of purpose:

To continue in effect said bond (or bonds) (including all extension or limitations of terms and conditions previously consented to and approved), notwithstanding that the tax on beer removed for consumption or sale will be paid under a semimonthly return system.

Section 245.52 is amended to read:

§ 245.52 Corporate surety.

Surety bonds may be given only with surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds, subject to the limitations as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6)

§ 245.53 [Amendment]

Section 245.53 is amended by striking from the proviso the words "Treasury Department Form 356-Revised." and by inserting in lieu thereof the words "the current revision of Treasury Department Circular 570."

Section 245.60 is amended to read:

§ 245.60 Notice of bond termination.

On termination of the surety's liability under the bond, as provided in § 245.58, the assistant regional commissioner will notify the principal and sureties.

A new § 245.111a is added, immediately following § 245.111, to read:

§ 245.111a Types of containers.

Beer may be removed from a brewery for consumption or sale only in barrels, kegs, bottles, and similar containers, as provided in this part. Beer may be bottled only in bottles as defined in § 245.5. A container which the Director,

Alcohol and Tobacco Tax Division, determines to be similar to a bottle or can shall be treated as a bottle for the purposes of this part. A container which the Director, Alcohol and Tobacco Tax Division, determines to be similar to a barrel or keg and which conforms to one of the sizes prescribed for barrels or kegs in § 245.113, shall be treated as such for the purposes of this part.

(72 Stat. 1389, 1390; 26 U.S.C. 5412, 5416)

§ 245.112 [Amendment]

Section 245.112 is amended as follows:

1. By striking the words "§§ 245.227 to 245.229." from the first sentence thereof and inserting in lieu thereof the words "§§ 245.117a, 245.117b, and 245.117c."; and

2. By changing the citation to read "(68A Stat. 777, 778, 72 Stat. 1335; 26 U.S.C. 6311, 6313, 5061)".

§ 245.115 [Amendment]

Section 245.115 is amended by inserting, as the first entries under the headings "Number of bottles per case", "Fluid contents (ounces) of each bottle", and "Barrel equivalent", the figures "1", "288", and 0.07258", respectively.

Section 245.116 is amended to read:

§ 245.116 Time of tax determination and payment.

The tax on beer shall be determined at the time of its removal for consumption or sale, and shall be paid by return as provided in this part.

(72 Stat. 1334, 1335; 26 U.S.C. 5054, 5061)

§ 245.117 [Deletion]

Section 245.117 is revoked.

Three new sections, designated § 245.117a, § 245.117b, and § 245.117c, are added, immediately following § 245.116, to read as follows:

§ 245.117a Semimonthly return.

The tax on beer shall (unless prepaid) be paid by semimonthly return on Form 2034, which shall be filed, with remittance, for the full amount of tax due as shown on the return. The quantities of keg and bottled beer removed daily for consumption or sale during the period covered by the return, and the aggregate quantity thereof, shall be reported in the tax return. Form 2034 shall be filed as a semimonthly return regardless of whether tax has been prepaid as provided in § 245.117c during the return period. The brewer shall include for payment on his return the full amount of tax required to be determined (and which has not been prepaid) on all beer removed for consumption or sale during the period covered by the return. Prepayments made by the brewer during the semimonthly period shall be separately shown on the return. The brewer shall file his tax return, Form 2034, semimonthly, covering the period from his business day beginning on the 9th day of a month through his business day beginning on the 23d day of the same month, and the period from his business day beginning on the 24th day of a month through his business day beginning on the 8th day of the next succeeding month. The semimonthly tax return, Form 2034, shall be filed not later than the close of the third calendar day next succeeding the 8th or 23d calendar day of the month, as the case may be, excluding Saturdays, Sundays, legal holidays of the District of Columbia, and Statewide legal holidays of the State in which the return is required to be filed: *Provided,* That the return for the period ending at the close of the brewer's business day which began on June 23d of any year shall be filed not later than the close of the second next succeeding calendar day after June 23d, excluding Saturdays, Sundays, legal holidays of the District of Columbia, and Statewide legal holidays of the particular State in which the return is required to be filed. Where the semimonthly return and remittance are delivered by United States mail to the office of the district director, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance: *Provided,* That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the brewer: *Provided further,* That where the return and remittance are sent by registered mail, the date of registry, or where the return and remittance are sent by certified mail, the date of the postmark on the sender's receipt, shall be treated as the postmark date of the return and remittance. A return, Form 2034, shall be filed covering each return period even though no beer was removed for consumption or sale during the period.

(72 Stat. 1335; 26 U.S.C. 5061)

§ 245.117b Brewer in default; tax to be prepaid.

Where a check or money order tendered in payment of taxes on beer is not paid on presentment, or where the brewer is otherwise in default in payment of tax under § 245.117a, no beer shall be removed for consumption or sale or taken from the brewery for removal for consumption or sale until the tax thereon has been prepaid as provided in § 245.117c. The brewer shall continue to so prepay during the time that he is in default and thereafter until the assistant regional commissioner finds the revenue will not be jeopardized by deferred payment of tax as provided in § 245.117a. Any remittance made while the brewer is required to prepay under this section shall be in cash or shall be in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a money order, as provided in § 301.6311–1 of this chapter.

§ 245.117c Prepayment of tax.

Where a brewer is required to prepay tax under § 245.117b, or where the penal sum of the bond (or bonds), Form 1566, is insufficient for deferral of payment of tax on beer to be removed for consumption or sale, or where a brewer is not, because of the provisions of § 245.46a, entitled to defer the tax, the brewer shall prepay the tax before any beer is removed for consumption or sale, or taken out of the brewery for removal for consumption or sale. Prepayment shall be made by forwarding or delivering to the district director a tax return, Form 2034, with remittance, covering the tax on beer. The word "Prepayment" shall be prefixed to the title of such form. For the purpose of complying with this section the term "forwarding" shall mean depositing in the United States mail, properly addressed to the district director.

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 6311, 5061)

§ 245.143 [Amendment]

Section 245.143 is amended as follows:

1. By striking the word "application" in paragraph (a) and inserting in lieu thereof the word "claim";

2. By striking the words "an application" in the first sentence of paragraph (b) and inserting in lieu thereof the words "a claim";

3. By striking the word "application" in the last sentence of paragraph (b) and inserting in lieu thereof the word "claim"; and

4. By changing the citation to read "(72 Stat. 1335, 1389; 26 U.S.C. 5056, 5414)".

Section 245.148 is amended to read as follows:

§ 245.148 Claims for remission of tax.

Claims for remission of tax on beer lost in transit between breweries of the same ownership shall be prepared on Form 2635 by the brewer or his duly authorized agent and submitted with Form 103 of the receiving brewery for the month in which the shipment is received. Where the loss is by casualty, the claim shall be submitted with the Form 103 for the month in which the loss is discovered. Where, for valid reason, the required claim cannot be submitted with such report, a statement shall be attached to the monthly report setting forth the reason why the claim cannot be filed at that time and specifying when it will be filed. No claim shall be allowed unless filed with the assistant regional commissioner within 6 months after the date of loss. The claim shall set out:

(a) The date and serial number of the shipment (as shown on the transfer paper).

(b) The quantity of beer lost (number and size of packages and their equivalent in barrels).

(c) The percent of loss.

(d) The specific cause of the loss.

(e) The nature of the loss (leakage, breakage, casualty, etc.).

(f) Full information as to whether the claimant has been indemnified by insurance or otherwise in respect of the tax or has any claim for indemnification. Full details shall be furnished on losses due to casualty or accident, supported if possible, by statements of the carrier or other parties having personal knowledge of the loss.

(72 Stat. 1335, 1389; 26 U.S.C. 5056, 5414)

§ 245.158 [Amendment]

Section 245.158 is amended as follows:

1. By striking therefrom the first three sentences and inserting in lieu thereof two new sentences to read: "Beer on on which the tax has been paid, or on

which the tax has been determined and therefore is to be reported for payment, which is removed from the market, may be returned to and stored in the brewery, and refund or credit of tax may be claimed thereon in accordance with the provisions of subpart T. Unless such beer is to be returned to the stock of the racking room or bottling house, it shall be identified as beer removed from the market, be completely segregated from all other beer, and be accessible for inspection by internal revenue officers."

§ 245.160 [Amendment]

Section 245.160 is amended by striking therefrom the second sentence, which begins "Such beer shall be".

§ 245.161 [Amendment]

Section 245.161 is amended as follows:

1. By striking from the first sentence the words "again remove for consumption or sale," and by inserting in lieu thereof the words "return to the stock of the racking room or bottling house,";

2. By changing the third sentence to read "The notice shall be executed under penalties of perjury as defined in § 245.5.";

2a. By inserting in § 245.161, immediately following the fourth sentence, which begins "If the beer is to be destroyed, reconditioned, or used as material," a new sentence to read "In the event the brewer is not notified that the disposition described in the notice is to be supervised or an internal revenue officer has not visited the brewery for the purpose of supervising such disposition on or before the date stated, the brewer may, unless otherwise advised by the assistant regional commissioner, dispose of the beer in the manner stated in the notice on the day following the scheduled date if the scheduled date is 10 days subsequent to the date of the notice, or at any time after 12 noon of the scheduled date if such date is 11 or more days subsequent to the date of the notice.";

3. By changing the sentence immediately preceding paragraph (a) to read "The notice, which shall be serially numbered, shall contain the following information:";

4. By changing paragraph (a) to read:

(a) The number and sizes of kegs and the actual quantity of beer contained therein expressed in barrels; or the number of cases, the number and size in ounces of the bottles comprising the cases, and the actual quantity of beer contained therein expressed in barrels. (The burden of proof of establishing the correct quantity of beer is on the brewer and where kegs or cases containing less than the original contents are involved, the actual quantity of beer shall be determined by weight unless the assistant regional commissioner has authorized the use of another method.);

5. By redesignating paragraphs (d) and (e) as paragraphs (e) and (f), respectively, and by inserting a new paragraph (d) to read:

(d) If returned, the name of the person from whom returned.

and

6. By striking from redesignated paragraph (e) the words "again to be removed for consumption or sale.", and inserting in lieu thereof the words "to be returned to the stock of the racking room or bottling house.".

§ 245.162 [Amendment]

Section 245.162 is amended as follows:

1. By inserting in the first sentence, immediately following the words "destruction of the beer," the word "or" and by striking from such sentence the words "or its return to the stock of the racking room or bottling house,";

2. By striking the last sentence and inserting two new sentences to read "If the brewer desires to destroy such beer at some place other than the brewery, the assistant regional commissioner may require that the disposition of the beer be delayed pending arrangement of a convenient time for supervision, and, if the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location. The assistant regional commissioner may, at any time, to substantiate claims for refund or credit of tax on beer returned to the stock of the racking room or bottling house, notify the brewer that, until further notice, supervision will be required of any further return of beer to such stock.

Section 245.164 is amended to read:

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer removed from the market, shall show (a) the name and address of the brewer, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for removal of the beer from the market and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification and (f) the claimant's reasons for believing that the claim should be allowed. If the claim is for refund of tax on beer lost or destroyed by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss; the claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. The brewer's notice required by § 245.161 or § 245.163 shall be incorporated, by reference, in the claim and, when feasible, the claim should be filed at the same time as the notice. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid within 6 months after the date of removal from the market or loss or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

Section 245.165 is amended to read:

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form 843. The brewer's notice required by § 245.161 or § 245.163 shall be incorporated, by reference, in the claim on Form 2635, and, when feasible, the claim should be filed at the same time as the notice. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

Section 245.170 is amended to read:

§ 245.170 General.

Beer may be removed from the brewery without payment of tax (a) for exportation, (b) for use as supplies on vessels and aircraft, or (c) for transfer to and deposit in foreign-trade zones for exportation or for storage pending exportation, in accordance with the provisions of Part 252 of this chapter. Tax-paid beer may be exported, delivered for use as supplies on certain vessels and aircraft, or transferred to and deposited in foreign-trade zones, with benefit of drawback, under the provisions of Part 252 of this chapter.

§§ 245.171–245.194 [Deletion]

Sections 245.171 to 245.194, inclusive, are revoked.

Subpart V, consisting of §§ 245.195 to 245.200, inclusive, is revoked.

§ 245.225 [Amendment]

Section 245.225 is amended as follows:

1. By changing paragraph (e) to read:

(e) Cereal beverage removed from the brewery;

2. By inserting a new paragraph (f) to read:

(f) Beer removed for consumption or sale and beer removed without payment of tax, showing with respect to each removal the date of removal, the identity of the person to whom the beer was shipped or delivered (not required in the case of sales in quantities of one-half barrel or less for delivery at the brewery), and the quantities of beer removed in kegs and bottles: *Provided,* That where the brewer keeps, at the brewery, copies of invoices or other commercial records containing the information required as to each such removal, such copies may be used in lieu of any other record required by this paragraph if they are maintained in such manner that the assistant regional commissioner is satisfied that the information may be readily ascertained therefrom by internal revenue officers.;

3. By redesignating paragraph (f) as paragraph (g);

4. By redesignating paragraph (g) as paragraph (h), and changing it to read:

(h) Beer returned to the brewery, showing separately such beer destroyed, used as material, reconditioned, and returned to the stock of the racking room or bottling house;

5. By redesignating paragraphs (h) through (l) as paragraphs (i) through (m);

6. By striking from the last sentence thereof the opening phrase which reads "Except as provided in the first proviso of § 245.116," and by capitalizing the word "all" so that the sentence will begin "All entries in the records"; and

7. By changing the citation to read "(68A Stat. 896, 72 Stat. 1390, 1395; 26 U.S.C. 7503, 5415, 5555)".

Section 245.227 is amended to read:

§ 245.227 Beer tax return, Form 2034.

All entries in the return, Form 2034, shall be fully supported by accurate and complete records. The brewer shall file the copy returned to him by the district director as a part of his records at the brewery.

(72 Stat. 1335, 1390, 1395; 26 U.S.C. 5061, 5415, 5555)

§§ 245.228 and 245.229 [Deletion]

Sections 245.228 and 245.229 are revoked.

Section 245.231 is amended to read:

§ 245.231 Execution under penalties of perjury.

When a return, form, or other document called for under this part is required by this part or in the instructions on or with the return, form, or other document to be executed under the penalties of perjury, as defined in § 245.5, it shall be so executed and shall be signed by the brewer or other duly authorized person.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

Section 245.232 is amended to read:

§ 245.232 Retention of records, reports, and returns.

A brewer shall retain, at the brewery for a period of not less than four years, all records, reports, and returns required by this part. Such records, reports, and returns shall be readily available during the brewer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

(72 Stat. 1390; 26 U.S.C. 5415)

A new § 245.233 is added to read:

§ 245.233 Photographic copies of records.

Brewers who desire to record, copy, or reproduce records required to be preserved under § 245.232, by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original record, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application, unless the Director, Alcohol and Tobacco Tax Division, has approved that type of record for reproduction and the reproduction process to be employed, and unless the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record" shall mean the record required by this part to be maintained or preserved by the brewer, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

[F.R. Doc. 60-5941; Filed, June 28, 1960; 8:45 a.m.]

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

On February 5, 1960, a notice of proposed rule making proposing new regulations in 26 CFR Part 211, with respect to the distribution and use of denatured alcohol and specially denatured rum, was published in the FEDERAL REGISTER (25 F.R. 1017). No request for a public hearing was received.

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and in order to make certain clarifying, liberalizing, and editorial changes, the regulations as so published are hereby adopted subject to the changes set forth below:

1. The first sentence of paragraph 3 of the *Preamble* is changed to read: "The regulations in this part shall become effective on July 1, 1960."

2. Section 211.11 is changed as follows:

(A) By changing the definition of *"Bulk conveyance"*.

(B) By changing the definition of *"Executed under penalties of perjury"*.

3. Section 211.22 is changed to read as set forth below.

4. Section 211.24 "[Reserved]", is deleted and §§ 211.25 to 211.32, inclusive, are renumbered as §§ 211.24 to 211.31, respectively.

5. A new § 211.32 is inserted immediately following renumbered § 211.31.

6. Section 211.33 is changed as follows:

(A) By changing the words "marks and brands", in the first sentence, to read "marks, brands, and labels";

(B) By striking from the first sentence the word "entirely" immediately following the words "have been";

(C) By changing the second sentence to read: "When such packages have been emptied, the marks, brands, and labels shall be effaced or obliterated."; and

(D) By striking from the last sentence the word "and" immediately following the words "be effaced" and by inserting in lieu thereof the word "or".

7. Section 211.34 is changed to read as set forth below.

8. Section 211.42 is changed by striking from the last sentence the words "and by, where applicable," and inserting in lieu thereof the words "and, where applicable, by".

9. Paragraph (a) of § 211.56 is changed by inserting, in the second sentence and immediately following the words "of such a permit," the words "or of the operations authorized thereby,".

10. Section 211.72 is changed by striking, from the first sentence, the words "covered by an industrial use permit on Form 1481" and by inserting in lieu thereof the words "authorized to be withdrawn".

11. Section 211.91 is changed as follows:

(A) By striking the first word, "These", from the third sentence and inserting in lieu thereof the words, "Except as otherwise provided in this section, these"; and

(B) By striking all of the fourth sentence and inserting in lieu thereof a new sentence to read "A user receiving specially denatured spirits in tank cars or tank trucks and storing all such spirits therein, as provided in § 211.168, need not provide stationary storage tanks."

12. Section 211.101 is changed by inserting, in the first sentence of paragraph (b) and immediately following the words "shall submit", the words "to the assistant regional commissioner".

13. Section 211.104 is changed to read as set forth below.

14. Section 211.111 is changed, by inserting between the first and second sentences, two new sentences.

15. Section 211.131 is changed by striking the words "a period of one year." from the second sentence, and by inserting in lieu thereof the words "the term of the permit.".

16. The last sentence of § 211.139 is changed to read "On receipt, the bonded dealer shall ascertain and account for any losses in transit in accordance with subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months."

17. Paragraph (b)(7) of § 211.147 is changed by striking the phrase "certified by recognized authorities," and by inserting in lieu thereof the phrase "prepared or certified by recognized authorities or engineers,".

18. Section 211.148 is changed as follows:

(A) By changing the sixth sentence to read "On shipment of the specially denatured spirits the bonded dealer shall send a copy of Form 1473 to the assistant regional commissioner of his region (two copies in the case of interregional shipments) and the original and one copy to the consignee, except in case of shipments by trucks."; and

(B) By striking, from the seventh sentence, the words "two copies" and inserting in lieu thereof the words "original and copy".

19. Section 211.161 is changed as follows:

(A) By striking, from the second sentence, the words "a period of one year," and by inserting in lieu thereof the words "the term of the permit,";

(B) By striking, from the third sentence, the words "during a year"; and

(C) By changing the period at the end of the fourth sentence, which begins "Where the applicant desires", to a colon and adding the words *"Provided,* That where one-sixth of the applicant's annual requirements is less than one drum (55 gallons), he may show as his monthly allowance a quantity not to exceed one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 211.72."

20. Section 211.162 is changed by striking therefrom the last sentence.

21. The last sentence of § 211.168 is changed to read "On receipt of specially denatured spirits by the user, he shall ascertain and account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months."

22. The last sentence of § 211.169 is changed as follows:

(A) By inserting a comma after the words "or appearing";

(B) By inserting after the words "fail to prove" the words "to the satisfaction of the assistant regional commissioner"; and

(C) By inserting, immediately following the words "internal human use, he shall", the words ", at the direction of the assistant regional commissioner,".

23. Section 211.178 is changed by adding, at the end thereof, a new sentence to read "Where an agent of a producer fills packages in the name of the producer, the agent may either use serial numbers from a block of numbers assigned to him by the producer or use a separate series of serial numbers (differentiated from that of the producer by a suitable prefix) to identify the packages filled by him."

24. The first sentence of § 211.193 is changed as follows:

(A) By striking the words "specified in § 211.191," and inserting in lieu thereof the words "which are specified in § 211.191 and which contain specially denatured alcohol," and

(B) By striking the words "which contain specially denatured alcohol".

25. Section 211.194 is changed by inserting, immediately following the words "specified in § 211.191" the words "which contain specially denatured alcohol".

26. Section 211.195 is changed as follows:

(A) By striking from the third sentence the words "Where such products are bottled or repackaged, or such products containing specially denatured alcohol are reprocessed by a permittee" and inserting in lieu thereof the words "Where products specified in § 211.191 which contain specially denatured alcohol are bottled, repackaged, or reprocessed by a permittee"; and

(B) By striking from the fourth sentence the words "Where such products are bottled or repackaged, or such products containing specially denatured alcohol are reprocessed by a nonpermittee" and inserting in lieu thereof the words "Where such products containing specially denatured alcohol are bottled, repackaged, or reprocessed by a nonpermittee".

27. Section 211.199 is changed by striking all of the first sentence and inserting in lieu thereof a new sentence to read "Users who are proprietors of bona fide supply houses may manufacture an article, designated as reagent alcohol, containing 95 parts by volume of S.D.A. Formula No. 3–A and 5 parts by volume of isopropyl alcohol."

28. Section 211.218 is changed by striking the words "two copies" immediately following "on the day of shipment, forward", and by inserting in lieu thereof the words "the original and one copy".

29. Section 211.234 is changed as follows:

(A) By striking from the second sentence the words "two copies" and inserting the words "the original and one copy"; and

(B) By striking from the last sentence the words "the original" and inserting the words "one copy".

30. Section 211.235 is changed to read as set forth below.

31. Section 211.242 is changed by striking the words "5 gallons or more" from the second sentence, and inserting in lieu thereof the words "more than 5 gallons".

32. Section 211.244 is changed as follows:

(A) By striking, from the first sentence, the words "filed on letter size paper" and by inserting in lieu thereof the words "filed, on Form 2635,";

(B) By changing paragraph (d) to read as set forth below.

(C) By striking the semicolon at the end of paragraph (e) and inserting in lieu thereof a period; and

(D) By striking all of paragraph (f) and the first sentence following paragraph (f).

33. Section 211.255 is changed by striking the words "two copies to the consignee, the original (original and one copy" and inserting in lieu thereof the words "the original and one copy to the consignee, one copy (two copies".

34. Section 211.262 is changed by striking, from the last sentence thereof, the words "by pipeline or".

34a. Section 211.266 is changed by striking, from the second sentence, the words "products specified in § 211.191" and by inserting in lieu thereof the words "such products".

35. Section 211.267 is changed by striking, in paragraph (b), the word "any" and inserting in lieu thereof the word "such".

36. Section 211.274 is changed to read as set forth below.

Because these regulations are a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall become effective on July 1, 1960.

DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 23, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to provide separate regulations covering the distribution and use of completely denatured alcohol, specially denatured alcohol, and specially denatured rum, to further implement certain provisions of Title II of Public Law 85–859 (72 Stat. 1313), and to liberalize certain requirements with respect of the distribution and use of such denatured alcohol and rum, the following regulations are hereby prescribed as Part 211 of Title 26 of the Code of Federal Regulations:

Preamble. 1. The regulations in this part shall supersede regulations in Parts 182 and 216 of this chapter to the extent that such parts relate to the distribution and use of denatured alcohol and denatured rum, and shall supersede in their entirety regulations in Subpart M of Part 170 of this chapter.

2. These regulations shall not affect any act done (except as provided in paragraph 3) or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on July 1, 1960. Any act

done prior to such date to qualify a permittee under this part, or otherwise provide for the orderly administration of this part, shall be subject to these regulations and shall have the same effect as if done on July 1, 1960.

AUTHORITY: §§ 211.1 to 211.285 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope

§ 211.1 General.

The regulations in this part relate to denatured distilled spirits and cover the procurement, use, disposition, and recovery of denatured alcohol, specially denatured rum, and articles containing denatured spirits.

§ 211.2 Territorial extent.

This part applies to the several States of the United States and the District of Columbia.

§ 211.3 Related regulations.

Regulations relating to this part are listed below:

26 CFR Part 196—Stills.
26 CFR Part 200—Rules of Practice in Permit Proceedings.
26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 212—Formulas for Denatured Alcohol and Rum.
26 CFR Part 250—Liquors and Articles From Puerto Rico and the Virgin Islands.
26 CFR Part 251—Importation of Distilled Spirits, Wines, and Beer.
26 CFR Part 252—Exportation of Liquors.
31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds.

Subpart B—Definitions

§ 211.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol. Those spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced; the term does not include such spirits as whisky, brandy, rum, gin, vodka, or products of rectification.

Article. Any substance or preparation in the manufacture of which denatured spirits are used, including the product obtained by further manufacture or by combination with other materials, if the article subjected to further manufacture or combination contained denatured spirits.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Bonded dealer. A person who holds an industrial use permit to deal in specially denatured alcohol or specially denatured rum for resale to persons authorized to purchase or receive specially denatured alcohol or specially denatured rum in accordance with this part.

Bulk conveyance. Any tank car, tank truck, tank ship, or tank barge, or a compartment of any such conveyance, or any other container approved by the Director for the conveyance of comparable quantities of denatured spirits or articles.

CFR. The Code of Federal Regulations.

Commissioner. The Commissioner of Internal Revenue.

Completely denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of Part 212 of this chapter.

Denaturant. Any one of the materials authorized under the provisions of Part 212 of this chapter for addition to spirits in the production of denatured spirits.

Denatured spirits. Alcohol or rum to which denaturants have been added as provided in Part 212 of this chapter.

Denaturer. The proprietor of a distilled spirits plant who denatures alcohol or rum pursuant to Part 201 of this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Distributor. Any person who sells completely denatured alcohol, other than a proprietor of a distilled spirits plant who sells such alcohol at the plant premises, and any person who sells articles containing completely or specially denatured alcohol or specially denatured rum, other than the manufacturer thereof, except where otherwise specifically restricted in this part.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the claim, form, or other document or, where no form of declaration is prescribed, with the declaration "I declare under the penalties of perjury that this _____ (insert type of document, such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Fiduciary. A guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

Gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Industrial use permit. The document issued pursuant to section 5271(a), I.R.C., authorizing the person named therein to deal in or use specially de-

natured alcohol or specially denatured rum or to recover denatured alcohol, specially denatured rum, or articles, as described therein.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Manufacturer or user. A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum or to recover completely or specially denatured alcohol, specially denatured rum, or articles.

Permittee. Any person holding an industrial use permit authorized under this part.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A gallon at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Proprietary solvents. Solvents containing more than 25 percent of alcohol by volume which are manufactured with specially denatured alcohol in accordance with formulations as authorized by this part.

Recover. To salvage, after use, specially denatured spirits, completely denatured alcohol without all of its original denaturants, or articles containing denatured spirits, if (1) such articles were made with specially denatured spirits and do not contain all of their original ingredients or (2) such articles were made with completely denatured alcohol and do not contain all of the original denaturants of the completely denatured alcohol.

Recovered article. An article containing specially denatured spirits salvaged without all of its original ingredients, or an article containing completely denatured alcohol salvaged without all of the denaturants for completely denatured alcohol.

Recovered denatured alcohol. Denatured alcohol (except completely denatured alcohol with all of the original denaturants remaining therein) which has been recovered.

Recovered denatured rum. Denatured rum which has been recovered.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Restoration. Restoring to the original state (except that the restored material may or may not contain denaturants to the same extent as the original material) of recovered denatured alcohol, recovered specially denatured rum, or recovered articles containing denatured alcohol or specially denatured rum. Restoration includes bringing the alcohol content of the recovered product to 190 degrees of proof or more or to not less than the original proof if less than 190 degrees. Restoration also includes the removal of foreign materials by any suitable means.

Rum. Any spirits produced from sugar cane products and distilled at less than 190° proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

Secretary. The Secretary of the Treasury.

Special industrial solvents. Proprietary solvents manufactured in accordance with authorized special industrial solvent formulations which, because of their composition, are restricted to industrial and manufacturing uses.

Specially denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of Part 212 of this chapter.

Specially denatured rum. Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of Part 212 of this chapter.

Spirits or distilled spirits. Alcohol or rum as defined in this part.

Tank truck. A tank-equipped semitrailer, trailer, or truck, conforming to the requirements of this part.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

U.S.C. The United States Code.

Withdrawal permit. The document issued pursuant to section 5271(a), I.R.C., authorizing the person named therein to withdraw specially denatured alcohol or specially denatured rum, as specified therein, from the premises of a distilled spirits plant or bonded dealer.

Subpart C—Administrative Provisions

AUTHORITIES

§ 211.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.22 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to applications for permits or amendment or renewal of permits, or to the giving of any bond shall be authorized under this paragraph. Where the permittee desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The permittee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provision of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority of such variations and the permittee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where the permittee desires to employ such variation, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 211.23 Formulas and processes.

Except as otherwise provided in this section, the Director is authorized to approve all formulas and processes sub-

mitted on Form 1479–A. The assistant regional commissioner is authorized to approve all formulas for rubbing alcohol compound submitted on Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.24 Allowance of claims.

The assistant regional commissioner is authorized to allow claims for losses of specially denatured alcohol or specially denatured rum.

§ 211.25 Permits.

The Director shall issue permits covering the use of specially denatured alcohol by the United States or a Governmental agency as provided in § 211.231. The assistant regional commissioner is authorized to issue all other industrial use permits and withdrawal permits required under this part.

§ 211.26 Bonds and consents of surety.

The assistant regional commissioner is authorized to approve all bonds and consents of surety required by this part.

§ 211.27 Right of entry and examination.

An internal revenue officer may enter during business hours, or at any time operations are being conducted, any premises on which operations governed by this part are carried on for the purpose of inspecting records and reports required to be maintained on such premises. Such officer may also inspect and take samples of denatured alcohol or specially denatured rum or articles (including any substances for use in the manufacture thereof), to which such records or reports relate.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.28 Detention of containers.

Any internal revenue officer may detain any container containing, or supposed to contain, spirits, including denatured spirits and articles, when he has reason to believe that such spirits, denatured spirits, or articles were produced, withdrawn, sold, transported, or used in violation of law or this part; and every such container shall be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than 72 hours without process of law or intervention of the assistant regional commissioner, unless the person in possession of the container immediately prior to its detention, in consideration of the container being kept on his premises during detention, executes a waiver of the 72-hours limitation on detention of the container.

(72 Stat. 1375; 26 U.S.C. 5311)

ADVERTISING AND SALE

§ 211.29 Advertising.

It is not permissible to advertise, without any qualifying words, such as "Denatured" or "Completely Denatured", that "Alcohol" or "Rum", which has been denatured, is for sale.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.30 Unlawful sale.

No person shall sell denatured alcohol or specially denatured rum or any substance or preparation made with or containing denatured alcohol or specially denatured rum for use, or for sale for use, for beverage purposes; nor shall any person sell any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale, or use, for beverage purposes. Similarly, no person shall sell or offer for sale for internal human use any medicinal preparations or flavoring extracts manufactured from denatured alcohol or specially denatured rum where any of the alcohol or rum remains in the finished product.

(72 Stat. 1314, 1372; 26 U.S.C. 5001, 5273)

LIABILITY FOR TAX

§ 211.31 Persons liable for tax.

Any person who produces, withdraws, sells, transports, or uses denatured alcohol, specially denatured rum, or articles in violation of laws or regulations pertaining thereto and all such denatured alcohol, specially denatured rum, or articles shall be subject to all provisions of law pertaining to alcohol or rum that is not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured alcohol, specially denatured rum, or articles shall be required to pay such tax.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 211.32 Responsibility and liability of carriers.

For the responsibilities and liabilities of carriers, see sections 5001(a) (6), 5214, and 5271, I.R.C.

DESTRUCTION OF MARKS AND BRANDS

§ 211.33 Time of destruction of marks and brands.

The marks, brands, and labels required by this chapter to be placed on packages containing denatured alcohol, specially denatured rum, or articles shall not be destroyed or altered until such denatured alcohol, specially denatured rum, or articles have been removed from the packages. When such packages have been emptied, the marks, brands, and labels shall be effaced or obliterated. The marks on drums containing proprietary antifreeze solutions, proprietary solvents, and special industrial solvents shall be effaced or obliterated when the packages are emptied.

(72 Stat. 1358; 26 U.S.C. 5205)

DOCUMENT REQUIREMENTS

§ 211.34 Execution under penalties of perjury.

When a form or other document called for under this part is required by this part or in the instructions on or with the form or other document to be executed under penalties of perjury, it shall be so executed, as defined in § 211.11, and shall be signed by the bonded dealer or user or other duly authorized person.

(68A Stat. 749; 26 U.S.C. 6065)

§ 211.35 Filing of qualifying documents.

All documents returned to a permittee or other person as evidence of compliance with requirements of this part, or as authorizations shall, except as otherwise provided, be kept readily available for inspection by an internal revenue officer during business hours.

Subpart D—Qualification of Bonded Dealers and Users

APPLICATION FOR INDUSTRIAL USE PERMIT

§ 211.41 Application for bonded dealer permit.

Every person, except a proprietor of a distilled spirits plant who sells specially denatured alcohol or specially denatured rum stored at his plant premises, who desires to deal in specially denatured alcohol or specially denatured rum, or both, shall, before commencing business, make application for and obtain an industrial use permit, Form 1476. Application, Form 1474, and necessary supporting documents as required by this subpart, shall be filed with the assistant regional commissioner. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. Such application shall be accompanied by evidence which will establish the authority of the officer or other person who executes the application to execute the same and, where applicable, by the application for a withdrawal permit, Form 1477, required by § 211.131.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.42 Application for permit to use or recover.

Every person desiring to use specially denatured alcohol or specially denatured rum, or both, and every person desiring to recover denatured alcohol, specially denatured rum, or articles shall, before commencing business, make application for and obtain an industrial use permit, Form 1481. Application, Form 1479, and necessary supporting documents as required by this subpart for such permit shall be filed with the asistant regional commissioner. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. Such application shall be accompanied by evidence which will establish the authority of the officer or other person who executes the application to execute the same and, where applicable, by the application for a withdrawal permit, Form 1485, required by § 211.161.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.43 Data for application, Forms 1474 and 1479.

Each application on Form 1474 or 1479 shall include, as applicable, the following information:

(a) Serial number and purpose for which filed.

(b) Name and principal business address of applicant.

(c) Location of the dealer's or user's premises if different from the business address.

(d) Statement as to the type of business organization and of the persons interested in the business, supported by the items of information listed in § 211.53.

(e) Statement of operations showing the estimated maximum quantity in gallons of specially denatured alcohol or specially denatured rum to be on hand, in transit, and unaccounted for at any one time and, in the case of users, a general statement as to the intended use to be made of the specially denatured alcohol or specially denatured rum, and whether recovery, restoration, and redenaturation processes will be used, and, if so, the estimated number of gallons of recovered denatured alcohol, recovered specially denatured rum, or recovered articles to be on hand at any one time.

(f) Listing of principal equipment to be used in manufacturing, packaging, and recovery processes, including processing tanks, storage tanks, bottling facilities, and equipment for the recovery, restoration (including the serial number, kind, capacity, name and address of owner, and intended use of distilling apparatus), and redenaturation of recovered denatured alcohol or specially denatured rum by users, and the size and complete description of the specially denatured alcohol or specially denatured rum storeroom or storage tanks.

(g) Trade names (see § 211.52).

(h) List of the offices, the incumbents of which are authorized by the articles of incorporation, by laws, or the board of directors to act on behalf of the applicant or to sign his name.

(i) On specific request of the assistant regional commissioner, furnish a statement showing whether any of the persons whose names and addresses are required to be furnished under the provisions of §§ 211.53(a)(2) and 211.53(c) have (1) ever been convicted of a felony or misdemeanor under Federal or State law, (2) ever been arrested or charged with any violation of State or Federal law (convictions or arrests or charges for traffic violations need not be reported as to subparagraphs (1) and (2) of this paragraph, if such violations are not felonies), or (3) ever applied for, held, or been connected with a permit issued under Federal law to manufacture, distribute, sell, or use spirits or products containing alcohol or rum, whether or not for beverage use, or held any financial interest in any business covered by any such permit, and, if so, give the number and classification of such permit, the period of operation thereunder, and state in detail whether such permit was ever suspended, revoked, annulled, or otherwise terminated.

Where any of the information required by paragraphs (d) through (h) of this section is on file with the assistant regional commissioner, the applicant may, by incorporation by reference thereto, state that such information is made a part of the application for an industrial use permit. The applicant shall, when so required by the assistant regional commissioner, furnish as part of his application for an industrial use permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to the permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.44 Exceptions to application requirements.

The assistant regional commissioner may, in his discretion, waive detailed application and supporting data requirements in the case of applications, Form 1479, filed by states or political subdivisions thereof, the District of Columbia, and other applicants where the amount of specially denatured spirits to be obtained does not exceed 60 gallons per year: *Provided,* That such waiver shall not include information required under paragraphs (a), (b), (c), and (e), and (f) as it relates to recovery, of § 211.43.

INDUSTRIAL USE PERMITS

§ 211.45 Conditions of permits.

Industrial use permits shall designate the acts which are permitted, and shall include any limitations imposed on the performance of such acts. All of the provisions of this part relating to the conduct of the business covered by the industrial use permit shall be deemed to be included in the provisions and conditions of the permit, the same as if set out therein. No permit shall be issued to use specially denatured alcohol or specially denatured rum unless the processes, formulas, articles, label, and advertising matter, when required to be submitted to the Director, have been approved by him.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.46 Duration of permits.

Industrial use permits are continuing unless automatically terminated by the terms thereof, suspended or revoked as provided in § 211.50, or voluntarily surrendered. The provisions of § 211.56 shall be deemed to be a part of the terms and conditions of all industrial use permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.47 Posting of permits.

Industrial use permits shall be kept posted available for inspection on the premises covered by the permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.48 Disapproval of application.

If, on examination of an application on Form 1474 or 1479, for an industrial use permit (or on basis of an inquiry or investigation with respect thereto), the assistant regional commissioner has reason to believe that—

(a) The applicant is not authorized by law and regulations issued pursuant thereto to withdraw or use specially denatured alcohol or specially denatured rum free of tax; or

(b) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder, and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with Chapter 51, I.R.C., or regulations issued thereunder; or

(c) The applicant has failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

(d) The premises on which the applicant proposes to conduct the business are not adequate to protect the revenue; the assistant regional commissioner may institute proceedings for the disapproval of the application in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.49 Correction of permits.

Where an error in an industrial use permit is discovered, the permittee shall, on demand of the assistant regional commissioner, immediately return the permit for correction.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.50 Suspension or revocation.

Whenever the assistant regional commissioner has reason to believe that any person holding an industrial use permit—

(a) Has not in good faith complied with the provisions of Chapter 51, I.R.C., or regulations issued thereunder; or

(b) Has violated the conditions of such permit; or

(c) Has made any false statements as to any material fact in his application therefor; or

(d) Has failed to disclose any material information required to be furnished; or

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of any offense under Title 26, U.S.C., punishable as a felony or of any conspiracy to commit such offense; or

(f) Is, by reason of his operations, no longer warranted in procuring, dealing in, or using the specially denatured alcohol or specially denatured rum authorized by this permit; or

(g) Has manufactured articles which do not correspond to the descriptions and limitations prescribed by law and regulations; or

(h) Has not engaged in any of the operations authorized by the permit for a period of more than 2 years;

the assistant regional commissioner may institute proceedings for the revocation or suspension of such permit in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.51 Rules of practice in permit proceedings.

The regulations in Part 200 of this chapter are made applicable to the procedure and practice in connection with the disapproval of any application for an industrial use permit and in connection with the suspension and revocation of such permit.

§ 211.52 Trade names.

Where a trade name is to be used by an applicant or permittee, he shall list such trade name on Form 1474 or Form 1479, and the offices where such name is

registered, supported by copies of any certificate or other document filed or issued in respect of such name. Operations shall not be conducted under a trade name until the permittee is in possession of an industrial use permit on Form 1476 or Form 1481 covering the use of such name.

§ 211.53 Organizational documents.

The supporting information required by paragraph (d) of § 211.43 includes, as applicable:

(a) *Corporate documents.* (1) Certified true copy of the certificate of incorporation, or certified true copy of certificate authorizing the corporation to operate in the State where the premises are located (if other than that in which incorporated).

(2) Certified list of names and addresses of officers and directors.

(3) Statement showing the number of shares of each class of stock or other evidence of ownership, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders.

(b) *Articles of partnership.* True copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality.

(c) *Statement of interest.* (1) Names and addresses of the 10 persons having the largest ownership or other interest in each of the classes of stock in the corporation, or other legal entity, and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him. If a corporation is wholly owned or controlled by another corporation, those persons of the parent corporation who meet the above standards are considered to be the persons interested in the business of the subsidiary and the names and addresses of such persons shall be submitted to the assistant regional commissioner on his specific request.

(2) In the case of an individual owner or partnership, name and address of every person interested in the business, whether such interest appears in the name of the interested party or in the name of another for him.

§ 211.54 Powers of attorney.

An applicant or permittee shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person authorized to sign or to act on his behalf. (Not required for persons whose authority is furnished in accordance with § 211.43.)

CHANGES AFTER ORIGINAL QUALIFICATION

§ 211.55 Changes affecting applications and permits.

Where there is a change relating to any of the information contained in or considered as a part of the application on Form 1474 or Form 1479 for an industrial use permit; the permittee shall within 10 days (except as otherwise provided in this subpart) file with the assistant regional commissioner a written notice, in duplicate, of the details of such change. In case of a change in officers or directors, the notice shall be supported by a certified list, in duplicate, of such changes. Such notice is not required where there is a change in respect of information waived by the assistant regional commissioner in the original application for an industrial use permit in accordance with the provisions of § 211.44 unless, in the case of a permittee other than a State, political subdivision thereof, or the District of Columbia, the quantity of specially denatured spirits to be obtained will exceed 60 gallons per year. Where the change affects the terms of an industrial use permit, the permittee shall file an application on Form 1474 or Form 1479, as the case may be, for an amended industrial use permit. Items which remain unchanged shall be marked "No change since Form 1474 (or Form 1479) Serial No. ____."

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.56 Automatic termination of permits.

(a) *Permits not transferable.* Industrial use permits shall not be transferred. In the event of the lease, sale, or other transfer of such a permit, or of the operations authorized thereby, the permit shall thereupon automatically terminate.

(b) *Corporations.* In the case of a corporation holding an industrial use permit, if actual or legal control of the permittee corporation changes, directly or indirectly, whether by reason of change in stock ownership or control (in the permittee corporation or in any other corporation), by operation of law, or in any other manner, the permittee shall, within 10 days of such change, give written notice thereof, executed under the penalties of perjury, to the assistant regional commissioner; such permit may remain in effect with respect to the operation covered thereby until the expiration of 30 days after such change, whereupon such permit shall automatically terminate: *Provided,* That if within such 30-day period an application for a new permit covering such operation is made, then the outstanding permit may remain in effect with respect to the continuation of the operation covered thereby until final action is taken on such application. When such final action is taken, such outstanding permit shall thereupon automatically terminate.

§ 211.57 Change in name of permittee.

Where there is to be a change in the individual, firm, or corporate name, the permittee shall file application on Form 1474 or Form 1479, as the case may be, to amend his industrial use permit. Operations may not be conducted under the new name prior to issuance of the amended permit.

§ 211.58 Change in trade name.

Where there is to be a change in, or addition of, a trade name, the permittee shall file application on Form 1474 or Form 1479, as the case may be, to amend his industrial use permit. A new bond or consent of surety will not be required. Operations may not be conducted under the trade name prior to issuance of the amended permit.

§ 211.59 Change in location.

When a permittee intends to move to a new location within the same region, he shall file application on Form 1474 or Form 1479, as the case may be, for an amended industrial use permit and, except in the case of a user not required to file bond, furnish a consent of surety on Form 1533, or a new bond to cover the new location. Business may not be commenced at the location prior to issuance of the amended permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.60 Adoption of documents by a fiduciary.

If the business is to be operated by a fiduciary, such fiduciary may, in lieu of qualifying as a new proprietor, file an application on Form 1474 or Form 1479, as the case may be, to amend his predecessor's industrial use permit, furnish a consent of surety on Form 1533 extending the terms of the predecessor's bond, if any, and adopt the formulas and processes of the predecessor. The effective date of the qualifying documents filed by a fiduciary shall coincide with the effective date of the court order or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

§ 211.61 Change in proprietorship.

An industrial use permit shall not be transferred. In the event of a change in proprietorship of the business of a permittee (as for instance, by reason of incorporation, the withdrawal or taking in of one or more partners, or succession by any person who is not a fiduciary) the successor shall qualify in the same manner as the proprietor of a new business, except that he may adopt the formulas and processes of his predecessor.

§ 211.62 Adoption of formulas and processes, Forms 1479–A.

The adoption of formulas and processes, as provided in §§ 211.60 and 211.61, shall be in the form of a certificate, in quadruplicate, to be made a part of the application and submitted to the assistant regional commissioner, in which shall be set forth a list of all such approved articles or processes in which denatured spirits are used or recovered, the formulas of specially denatured spirits used, the laboratory number of the sample (if any), the date of approval, and the code number prescribed for the article or process. The certificate shall contain the name of the successor followed by the phrase "Formula of _____ is hereby adopted." If it is desired to change the labels on such articles, other than to reflect the name of the successor, the permittee shall submit new labels or facsimiles thereof, attached to Form 1479–A, to the Director for approval.

(Name of predecessor)

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.63 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to withdraw and to deal in or use specially denatured spirits under the prior qualification of the partnership: *Provided,* That a consent of surety, wherein the surety and the surviving partner agree to remain liable on any bond given on Form 1475 or 1480, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 211.61. The rule set forth in this section shall also apply where there is more than one surviving partner.

(72 Stat. 1349; 26 U.S.C. 5172)

REGISTRY OF STILLS

§ 211.64 Registry of stills.

The provisions of Part 196 of this chapter are applicable to stills located on the premises of a permittee. The listing of the stills on Form 1479 and the issuance of the industrial use permit shall constitute registration of the stills. The alternate use of a registered still or distilling apparatus for the distillation of a byproduct or chemical for which registry is not required will not require the filing of Form 26.

PERMANENT DISCONTINUANCE OF BUSINESS

§ 211.65 Notice of permanent discontinuance.

Where a permittee permanently discontinues business, he shall file with the assistant regional commissioner a letterhead notice to cover such discontinuance. Such notice shall be accompanied by the industrial use permit and any withdrawal permits issued to the permittee and by a report on Form 1478 or Form 1482, as the case may be, covering the discontinuance and marked "Final Report." The notice shall contain (a) a request that such permits be canceled, (b) a statement of the disposition made, as provided in §§ 211.254 and 211.257, of all denatured spirits, recovered denatured alcohol, and articles, and (c) the date of discontinuance. The bond of a permittee shall not be canceled until all specially denatured spirits and all articles manufactured therewith have been properly disposed of in accordance with the provisions of this part.

(72 Stat. 1370; 26 U.S.C. 5271)

Subpart E—Bonds and Consents of Surety

§ 211.71 Dealer's bond, Form 1475.

Every person filing an application on Form 1474 shall, before issuance of the industrial use permit, file bond, Form 1475, with the assistant regional commissioner. The penal sum of the bond shall be computed on each gallon of specially denatured alcohol and specially denatured rum authorized to be on hand, in transit to the premises of the bonded dealer, and unaccounted for at any one time, at double the rate prescribed by law as the internal revenue tax on a proof gallon of distilled spirits: *Provided,* That the penal sum of any such bond (or the total of the penal sums where original and strengthening bonds are filed) shall not exceed $100,000 nor be less than $10,000.

(72 Stat. 1314, 1372; 26 U.S.C. 5001, 5272)

§ 211.72 User's bond, Form 1480.

Every person filing an application on Form 1479 shall, before issuance of the industrial use permit, file bond, Form 1480, with the assistant regional commissioner, except that no bond will be required where the application is filed by a State, or any political subdivision thereof, or the District of Columbia, or where the quantity of specially denatured alcohol and specially denatured rum authorized to be withdrawn does not exceed 60 gallons per annum and the quantity which may be on hand, in transit, and unaccounted for at any one time does not exceed 5 gallons. The penal sum of the bond shall be computed on each gallon of specially denatured alcohol or rum, including recovered or restored denatured alcohol or specially denatured rum or recovered articles in the form of denatured spirits, authorized to be on hand, in transit to the premises of the user, and unaccounted for at any one time, at double the rate prescribed by law as the internal revenue tax on a proof gallon of distilled spirits: *Provided,* That the penal sums of bonds covering specially denatured alcohol formulas 18 and 19 shall be computed on each gallon at the rate prescribed by law as the tax on a proof gallon of distilled spirits. The penal sum of any such bond (or the total of the penal sums where original and strengthening bonds are filed) shall not exceed $100,000 or be less than $500.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.73 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 211.74 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 211.75 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 211.76 Strengthening bonds.

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum or give a new bond to cover the entire liability. Strengthening bonds shall not be approved where any notation is made thereon which is intended or which may be construed to be a release of any former bond or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the date of execution and the effective date, and be marked "Strengthening Bond."

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.77 Superseding bonds.

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the assistant regional commissioner, be required in any other contingency affecting the validity or impairing the efficiency of the bond. Where, under the provisions of § 211.78, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the transactions to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. Superseding bonds shall show the date of execution and the effective date, and be marked "Superseding Bond." If the principal does not file a new bond when required, he shall not conduct any operation under his permit.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.78 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time serve notice in writing on the principal and the assistant regional commissioner in whose office the bond is on file, that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a statement, executed under the penalties of perjury, that such power of attorney is on file with the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.79 Termination of rights and liability under a bond.

If the notice of termination given by the surety is not thereafter in writing

withdrawn, the rights of the principal as supported by the subject bond shall be terminated on the date named in the notice. The surety shall be relieved from his liability under a bond as to any operations which are wholly subsequent to: (a) The date named in a notice of termination (§ 211.78); (b) the effective date of a superseding bond (§ 211.77); or (c) the date of approval of the discontinuance of operations by the principal. If the principal fails to file a valid superseding bond prior to the date on which the surety desires to be relieved from liability under the bond, the surety, notwithstanding his release from liability as specified in paragraph (a) of this section, shall continue to remain liable under the bond for all specially denatured spirits or articles on hand or in transit to the principal on said date until the same have been lawfully disposed of or a new bond has been filed by the principal covering the same.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.80 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 211.74, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

Subpart F—Premises and Equipment

§ 211.91 Premises.

A permittee shall have premises suitable for the business being conducted and adequate for the protection of the revenue. When specially denatured spirits are to be stored, storage facilities shall be provided on the premises for such spirits received or recovered thereon. Except as otherwise provided in this section, these storage facilities shall consist of storerooms or stationary storage tanks (not necessarily in a room or building), or a combination thereof. A user receiving specially denatured spirits in tank cars or tank trucks and storing all such spirits therein, as provided in § 211.168, need not provide stationary storage tanks. Where specially denatured spirits are to be received at or removed from a permittee's premises in bulk conveyances, suitable facilities for such operations shall be provided.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.92 Storerooms.

Storerooms shall be so constructed and secured as to prevent unauthorized access, and the entrance doors shall be so equipped that they may be locked on the outside. A sign shall be placed on or near the entrance door of the storeroom of a bonded dealer or user bearing, in plain and legible letters, the words "Specially Denatured Alcohol (and/or Rum) Storeroom," or an appropriate abbreviation thereof. If more than one such storeroom is provided, each shall be designated alphabetically and such designation shall appear on the sign.

(72 Stat. 1372, 1395; 26 U. S. C. 5273, 5552)

§ 211.93 Storage tanks.

Each stationary tank used for the storage of specially denatured spirits shall be equipped for locking in such a manner as to control access to the denatured spirits. Means shall be provided whereby the contents can be accurately measured. Each such tank shall be durably marked to show its serial number, capacity, and use. The marks for underground tanks shall be placed at a convenient and suitable location.

(72 Stat. 1372; 26 U.S.C. 5273)

EQUIPMENT FOR RECOVERY AND RESTORATION OF DENATURED SPIRITS

§ 211.94 Stills and other equipment.

If recovered denatured spirits or articles are to be restored on the user's premises, all equipment to be used shall be located on the permit premises. Distilling apparatus or other equipment, including pipelines, for such restoration or for recovery shall be constructed and secured in such a manner as to prevent unauthorized access to the denatured spirits and so arranged as to be readily inspected.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 211.95 Recovered and restored denatured spirits tanks.

Suitable storage tanks shall be provided for recovered and restored denatured spirits. Each such tank shall bear an identifying number and be durably marked to show its serial number, capacity, and use, and shall be provided with locking facilities to prevent access to the contents. Means shall be provided whereby the contents can be accurately measured.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 211.96 Denaturing material storage facilities.

Where the user desires to store denaturants, he shall provide a separate storage tank or storeroom constructed in accordance with §§ 211.92 and 211.93. The assistant regional commissioner may require such storage facilities to be secured with Government locks and/or seals.

Subpart G—Formulas and Processes

§ 211.101 General.

(a) *Form 1479–A.* Every person desiring to use specially denatured spirits or to recover denatured spirits or articles, shall, except where previously approved formulas are adopted or as provided in § 211.102, submit on Form 1479–A, directly to the Director, a description of each process or formula; a separate Form 1479–A shall be used for each such formula or process. In the case of articles to be manufactured with specially denatured spirits, quantitative formulas and processes shall be given. The preparation of Form 1479–A shall be in accordance with the headings and the instructions thereon.

(b) *Previously approved Forms 1479–A.* Any person who intends to use previously approved formulas and processes, Forms 1479–A, on and after July 1, 1960, shall submit to the assistant regional commissioner a list, in quadruplicate, of all such approved Forms 1479–A which he intends to continue using. The list shall show, as to each Form 1479–A, the article or process in which denatured spirits are used or recovered, the formula of specially denatured spirits, the laboratory number of the sample (if any), the date of approval, and the code number prescribed for the article or process.

(72 Stat. 1369, 1372; 26 U.S.C. 5241, 5273)

§ 211.102 Formulas for rubbing alcohol compound.

Persons desiring to produce rubbing alcohol compound shall submit a quantitative formula on Form 1479–A to the assistant regional commissioner for each such compound to be produced by them. The labels to be used on such compound shall be attached to each copy of Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.103 Formulas for proprietary antifreeze solutions.

All persons desiring to produce proprietary antifreeze solutions with completely denatured alcohol pursuant to § 211.122 shall submit a quantitative formula on Form 1479–A directly to the Director for each such solution and shall comply with the applicable provisions of § 211.106.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.104 Reprocessors.

All persons desiring to reprocess products which are specified in § 211.191 and which contain specially denatured alcohol shall submit quantitative formulas and processes on Form 1479–A directly to the Director.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.105 Statement of process.

Where specially denatured spirits are used in a manufacturing process in which none of the specially denatured spirits remains in the finished product, or where specially denatured spirits, completely denatured alcohol, or articles are used in a manufacturing process and are to be recoverd, such process shall be completely described on Form 1479–A. If recovered denatured spirits are to be redenatured, the process of redenaturation shall be described. Flow diagrams shall be submitted, in quadruplicate, covering the manufacturing and recovery processes. The flow diagrams shall clearly depict equipment in its relative operating sequence, with essential connecting pipelines and valves. All major equipment shall be identified as to its use. The direction of flow through the pipelines shall be indicated by arrows.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.106 Labels and advertising matter for articles.

Samples of labels or facsimiles thereof (or sketches, subject to the filing of the actual labels, if approved) shall be at-

tached to each copy of the Form 1479–A covering articles which contain denatured spirits. Advertising matter for such articles shall also be attached when required by this part or by the Director. Where permittees change labels, or provide new labels for such articles, the formula for which has been previously approved, samples of the changed or new labels or facsimiles thereof (or sketches, subject to the filing of the actual labels, if approved) shall be submitted, attached to Form 1479–A, in quadruplicate, to the Director for approval: *Provided,* That where the change in label is only to reflect a change in name or location, the new label need not be submitted. Where the formula is not changed, it need not be restated on Form 1479–A, but the form should be marked "For label approval only," and should give the name under which the article was previously approved, the laboratory number of the approved sample, if any, and the date of approval. Samples of labels and advertising matter for articles which do not contain denatured spirits need be submitted only when required by the Director. The approval of labels by the Director is limited to only the manufacturing data and information required by this part, and does not extend to the information on the label relative to the brand name of the article, directions for use, claims of efficiency or strength, or other statements. Such approvals are made with the following wording: "Approved as Conforming to 26 CFR Part 211".

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.107 *Samples of articles.*

Where it is desired to manufacture articles (except rubbing alcohol compounds, proprietary solvents, and special industrial solvents) containing specially denatured spirits, or proprietary antifreeze containing completely denatured alcohol, duplicate 8-ounce samples of all such articles shall be submitted, in connection with Form 1479–A, directly to the Director: *Provided,* That where perfumes contain more than 6 ounces of perfume oils per gallon, duplicate 2-ounce samples of the finished product will be sufficient. Where the applicant proposes to use purchased mixtures of oils and ingredients, the composition of which is unknown to him, duplicate 1-ounce samples of the oils or ingredients shall be submitted with the samples of the finished product.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.108 Approval or disapproval of samples, formulas, processes, labels, and advertising matter.

In addition to the limitations in this part, and where necessary to protect the revenue, the Director may, in approving Forms 1479–A, specify thereon the size of containers in which any article may be sold and the maximum quantity that may be sold to any person at one time, and may restrict the sale of articles to a specific class of vendee and for a specific use. Approval by the Director of samples, formulas, processes, labels, and advertising matter shall mean only that they conform to the standards of the Internal Revenue Service, and such approval shall in no way require the assistant regional commissioner to issue an industrial use permit to use specially denatured spirits in such processes, formulas, or articles. A change in container size only does not necessitate resubmission of the formula and label. All processes, formulas, and samples of articles submitted to the Internal Revenue Service shall be treated as confidential by its employees.

(72 Stat. 1370, 1372; 26 U.S.C. 5271, 5273)

Subpart H—Sale and Use of Completely Denatured Alcohol

§ 211.111 General.

Completely denatured alcohol may be sold and used for any lawful purpose. Completely denatured alcohol may be used (a) in the manufacture of definite chemical substances where such alcohol is changed into some other chemical substance and does not appear in the finished product; (b) in the arts and industries (except in the manufacture of preparations or products for internal human use or consumption where any of such alcohol or of the denaturants used in such alcohol may remain in the finished product); and (c) for fuel, light, and power. Use of completely denatured alcohol in the arts and industries includes, but is not limited to, the manufacture of cleaning fluids, detergents, proprietary antifreeze solutions, thinners, lacquers, and brake fluids. Persons distributing and using (but not recovering for reuse (completely denatured alcohol are not required to obtain a permit or to file bond under this part. Persons recovering completely denatured alcohol for reuse shall procure an industrial use permit in accordance with Subpart D of this part and file bond in accordance with Subpart E of this part. Containers of products manufactured with completely denatured alcohol, such as proprietary antifreeze preparations, solvents, thinners, and lacquers, shall not be branded as completely denatured alcohol nor shall any such product be advertised, shipped, sold, or offered for sale as completely denatured alcohol.

(72 Stat. 1362, 1369, 1372; 26 U.S.C. 5214, 5241, 5273)

§ 211.112 Marks on bulk conveyances.

Where completely denatured alcohol is to be shipped in bulk conveyances, the consignor shall securely attach to the route board a label (coated with transparent shellac or otherwise adequately protected) to identify each car, truck, or compartment, showing the name, location (city or town and State) of both the consignor and consignee, the quantity in gallons, and the formula number of the completely denatured alcohol.

§ 211.113 Consignor's responsibility for bulk conveyances.

Before filling any bulk conveyance, the consignor shall examine it to ascertain that it is suitable for its intended use, and shall refrain from, or discontinue, using any such conveyance found to be unsuitable.

(72 Stat. 1360, 1372; 26 U.S.C. 5206, 5273)

§ 211.114 Pipeline transfers.

On approval of the assistant regional commissioner, completely denatured alcohol may be transferred by pipeline from the premises of denaturers to premises of distributors and of persons using it in manufacturing processes. Letterhead application (in triplicate) for authority to transfer by pipeline shall be submitted by the consignee, and shall contain the following information:

(a) Name and address of the denaturer from whom it is desired to procure the completely denatured alcohol,

(b) Quantity to be received,

(c) Reasons for desiring to receive the completely denatured alcohol by pipeline, and

(d) Use to be made of the completely denatured alcohol.

The application may be made for continuing authority.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.115 Receipt.

Unless the completely denatured alcohol received in bulk conveyances or by pipeline is to be used immediately, it shall be deposited in storage tanks or drawn into packages which shall be marked as required by this subpart.

§ 211.116 Packages of completely denatured alcohol.

Packages containing more than 5 gallons of completely denatured alcohol shall be of metal or other equally suitable material approved by the Director. The openings of all such packages shall be sealed with appropriate seals furnished by the person filling the packages. Seals on such number of packages as may be necessary for ordinary business requirements may be broken in order to permit legitimate sale or use.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.117 Encased containers.

Completely denatured alcohol may be packaged by distributors in unlabeled containers which are completely encased in wood, fiberboard, or similar material in such a manner that the surface (including opening) of the actual container is not exposed; the required marks or label shall be applied to an exposed surface of the case. The case shall be so constructed that the portion containing the marks will be securely attached to the encased container until all of the contents have been removed therefrom. A statement reading "Do Not Remove Inner Container Until Emptied," or of similar import, shall be placed on the portion of the case bearing the marks.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 211.118 Marking packages.

All packages of completely denatured alcohol having a capacity in excess of 1 gallon shall have marked or labeled on the head of the package or side of the container or casing the name and address of the person filling the same, the contents in gallons, the apparent proof, the words "Completely Denatured Alcohol," and the formula number. Packages of 5 gallons or less shall also bear labels as required by § 211.121. Packages of more

than 5 gallons shall bear a serial number. The letters and figures shall be large enough to be easily read and, when printed, labeled, or stenciled, shall be in permanent ink, and in a color distinctly in contrast to the color used as a background. The brand name and a statement indicating the character of the merchandise may also be shown on the package, if it is so placed as not to obscure or detract from the prescribed data. When packages are filled, Form 1467 shall be prepared. A separate sheet shall be used for each formula and the forms shall be filed in numerical order according to the serial numbers of the packages.

§ 211.119 Numbering of packages.

Packages having a capacity of more than 5 gallons filled under this subpart shall be consecutively numbered commencing with number 1. When the numbering in any series reaches "1,000,000," the series may be recommenced. The recommenced series shall be given an alphabetical prefix or suffix.

§ 211.120 Illustration of marks.

The following cut illustrates the prescribed marks and the suggested order and manner in which they should be placed on packages.

80879
John Doe Distributing Co.
New Orleans, La.

Completely Denatured Alcohol
Formula No. 18

55 Gals.
190 Proof

§ 211.121 Labels.

Each container of completely denatured alcohol containing 5 gallons or less sold or offered for sale by a distributor shall be labeled to show in plain legible letters (red on white) the words "Completely Denatured Alcohol" and the following statement: "Completely denatured alcohol; contains ingredients which render the product wholly unfit for beverage purposes; if taken internally, will cause serious consequences to health." The name and address of the distributor filling the package shall be shown on such label, unless otherwise shown on the package, but no other extraneous matter shall be permitted thereon without the approval of the Director. The word "pure," qualifying denatured alcohol, will not be permitted to appear on the label or container. These requirements concerning labels shall apply also to proprietors of garages, paint shops, hardware stores, gasoline filling stations, and other retailers of completely denatured alcohol.

§ 211.122 Manufacture of proprietary antifreeze solutions.

Proprietary antifreeze solutions may be made with completely denatured alcohol for sale under brand names: *Provided,* That materials (such as dye, rust inhibitor, or a petroleum distillate), satisfactory to the Director, are added in sufficient quantities to materially change the composition and character of the completely denatured alcohol. Such solutions are not classified as completely denatured alcohol and shall not be marked, branded, or sold as completely denatured alcohol. Formulas and advertising matter shall be submitted to the Director in accordance with the provisions of Subpart G of this part.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 211.123 Containers for proprietary antifreeze solutions.

Producers and distributors may package proprietary antifreeze solutions made with completely denatured alcohol in containers of metal or other equally suitable material approved by the Director. Each such container shall be marked, by stenciling or otherwise, with the name and address of the producer or of the distributor, and, in the case of containers of more than five gallons, by a serial number as provided in § 211.119 and by the brand name under which the product is sold. Proprietary antifreeze solutions may also be shipped in bulk conveyances.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 211.124 Packaging of proprietary antifreeze solutions by retailers.

Retailers may package proprietary antifreeze solutions in containers having a capacity of not more than 5 gallons, provided the containers are marked or labeled to show the name and address of the retailer.

§ 211.125 Records.

Records of transactions in completely denatured alcohol and proprietary antifreeze made with completely denatured alcohol shall be maintained in the manner prescribed in §§ 211.261 and 211.262 respectively.

(72 Stat. 1373; 26 U.S.C. 5275)

Subpart I—Operations by Bonded Dealers in Specially Denatured Spirits

PROCUREMENT OF SPECIALLY DENATURED SPIRITS

§ 211.131 Application for withdrawal permit.

Where a bonded dealer desires to procure specially denatured alcohol or specially denatured rum, he shall file application on Form 1477 with the assistant regional commissioner for withdrawal permit. The application shall show the date and the estimated quantity of specially denatured alcohol or specially denatured rum necessary to carry on the business during the term of the permit. A permittee may, if he so desires, file applications for more than one withdrawal permit and have his annual withdrawals divided among such permits.

§ 211.132 Issuance and duration of withdrawal permit.

If the application submitted in accordance with § 211.131 is approved, the assistant regional commissioner shall issue withdrawal permit on Form 1477 and shall forward the original to the bonded dealer. Withdrawal permits on Form 1477 shall terminate on October 31 of each year: *Provided,* That a permit issued on or after May 1 of any year shall remain in effect through October 31 of the following year.

§ 211.133 Application for and renewal of withdrawal permit.

Application on Form 1477 for renewal of a withdrawal permit shall be submitted by the permittee to the assistant regional commissioner not less than three months prior to the date of expiration of the permit to be renewed in order that the renewal permit may be issued and become available for withdrawals by the following November 1. The provisions of §§ 211.131 and 211.132 with respect to application for and issuance of withdrawal permits, respectively, are applicable to the renewal of such permits.

§ 211.134 Denial, correction, suspension or revocation, changes after original qualification, and automatic termination of withdrawal permit.

All of the provisions of Subpart D of this part with respect to the denial, correction, suspension or revocation, and changes after original qualification, the rules of practice in permit proceedings, and the automatic termination of industrial use permits are applicable to withdrawal permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.135 Cancellation of withdrawal permit.

Should an industrial use permit on Form 1476 be terminated or surrendered, or should a withdrawal permit on Form 1477 be revoked, the withdrawal permit issued to the bonded dealer shall be returned immediately to the assistant regional commissioner for cancellation.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.136 Withdrawals under permit.

When a bonded dealer desires to procure specially denatured alcohol or specially denatured rum, he shall forward the withdrawal permit to the denaturer or bonded dealer from whom he will procure the specially denatured alcohol or specially denatured rum. Shipments shall not be made by the consignor until he is in possession of a valid withdrawal permit, nor shall shipments exceed the quantity authorized by such permit. On shipment, the consignor shall enter the transaction on the permit and return it to the bonded dealer, unless he has been authorized to retain it for the purpose of making future shipments.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.137 Shipment for account of bonded dealer.

A bonded dealer may order specially denatured spirits shipped directly from a denaturer or another bonded dealer to his customers (bonded dealer or user) if he obtains a consent of surety, Form 1533, extending the terms of his bond, Form 1475, to cover the transportation of the specially denatured spirits from the consignor's premises to the consignee's premises. The bonded dealer's withdrawal permit, Form 1477, and the consignee's withdrawal permit, Form 1477 or Form 1485, as the case may be, shall be forwarded to the person actually

making the shipment of specially denatured spirits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.138 Regulation of withdrawals.

Withdrawals by a bonded dealer shall not exceed the quantity authorized by his permit on Form 1477 and shall be so regulated by him that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of specially denatured alcohol or specially denatured rum shown in his application on Form 1474 for an industrial use permit. For this purpose, specially denatured alcohol or specially denatured rum shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and has not been allowed or if disposed of otherwise than as provided in this part.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.139 Receipt of specially denatured spirits.

Specially denatured spirits received in bulk conveyances or by pipeline from a denaturer's or bonded dealer's premises shall be deposited in storage tanks provided for in § 211.91 or drawn into packages marked or labeled as required by § 211.142. The formula number of the specially denatured spirits deposited in tanks shall be shown on each tank or, in the case of underground tanks, at a convenient and suitable location. Portable containers received or filled by the bonded dealer shall be deposited in a storeroom provided for in § 211.91. On receipt, the bonded dealer shall ascertain and account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months.

(72 Stat. 1370; 26 U.S.C. 5271)

FILLING OF PACKAGES OF SPECIALLY DENATURED ALCOHOL OR SPECIALLY DENATURED RUM BY BONDED DEALERS

§ 211.140 Packaging by bonded dealers.

Bonded dealers may package specially denatured alcohol or specially denatured rum in containers of such sizes as may be necessary for the proper conduct of their business. After filling drums, the bonded dealer shall seal all openings therein with seals furnished by him.

§ 211.141 Encased containers.

Specially denatured spirits may be packaged by bonded dealers in unlabeled containers which are completely encased in wood, fiberboard, or similar material in such a manner that the surface (including opening) of the actual container is not exposed. When so packaged the required marks shall be applied to an exposed surface of the case. The case shall be so constructed that the portion containing the marks will be securely attached to the encased container until all of the contents have been removed therefrom. A statement reading "Do Not Remove Inner Container Until Emptied", or of similar import, shall be placed on the portion of the case bearing the marks.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 211.142 Marks and brands on containers of specially denatured spirits.

When packages of specially denatured spirits are filled by a bonded dealer, he shall accurately determine the contents of each package. Each such package shall be marked or labeled to show, on the head of the package or side of the container or casing, the quantity in gallons, the serial number, the name and address (city or town and State) of the bonded dealer, his permit number, the words "Specially Denatured," followed by the word designating the kind of spirits such as "Alcohol" or "Rum" and the formula number. Where the spirits were denatured at other than 190 proof, the proof at which denatured shall also be marked on the package. Where alcohol was denatured under a formula authorizing a choice of denaturants, the package shall be marked or labeled to show the denaturants used and, where the formula authorizes a choice of quantities of denaturants, the quantity used shall be shown. The bonded dealer may show the brand name and may place caution notices and other material required by Federal or State law and regulations on the Government head or side if such name or attachments do not interfere with or detract from the markings required by this subpart. No other marks shall be placed on the Government head or side except as authorized by the Director.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 211.143 Numbering of packages.

All packages containing specially denatured alcohol filled by a bonded dealer shall be consecutively numbered commencing with "1" and continuing in regular sequence, except that the current series may be continued. All packages containing specially denatured rum shall be separately numbered in a similar manner. When the numbering of any series reaches "1,000,000," the bonded dealer may recommence the series. The recommenced series shall be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of such change may be continued.

§ 211.144 Illustration of marks.

The following cut illustrates the prescribed marks and the suggested order and manner in which they should be placed on packages.

182896

John Doe and Co.
New Orleans, La.
SDA–LA–123–D

Specially Denatured Alcohol

Formula No. 28–A
54 Gal.
P. 200

§ 211.145 Form 1467.

When packages are filled with specially denatured alcohol or specially denatured rum, the bonded dealer shall prepare Form 1467. A separate sheet shall be used for each formula of specially denatured alcohol and for formula No. 4 made with specially denatured rum. The bonded dealer shall file the forms in numerical order according to the serial number of the packages.

DISPOSITION OF SPECIALLY DENATURED SPIRITS

§ 211.146 General.

A bonded dealer may, pursuant to withdrawal permit on Form 1485 or Form 1477, as the case may be, dispose of specially denatured spirits to manufacturers using such spirits and to other bonded dealers. Samples of specially denatured spirits may be dispensed to persons as provided in § 211.281. Specially denatured spirits shall not be shipped to a manufacturer or a bonded dealer until the shipping bonded dealer receives the withdrawal permit, Form 1485 or Form 1477, issued to the consignee. Bonded dealers shall not ship specially denatured spirits in excess of the quantities set forth in such withdrawal permit.

§ 211.147 Bulk shipments.

(a) *Use.* Bonded dealers may ship specially denatured spirits in bulk conveyances. Such bulk conveyances shall be sealed at the time of filling by the bonded dealer with railroad or other appropriate seals dissimilar in marking from cap seals used by the Internal Revenue Service. Specially denatured alcohol or specially denatured rum from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of any one compartment may be delivered to any one consignee at any one premises.

(b) *Construction of bulk conveyances.* Bulk conveyances shall conform to the following:

(1) All openings (including valves) shall be so constructed that they may be sealed to prevent unauthorized access to the contents of the conveyances, except that outlet valves or other openings to or from tank cars may be constructed in such a manner that they may be closed and securely fastened on the inside.

(2) If the conveyance has two or more compartments, the outlets of each shall be so equipped that delivery of any compartment will not afford access to the contents of any other compartment.

(3) Each compartment shall be so arranged that it can be completely drained.

(4) Each tank car or tank truck shall have permanently and legibly marked thereon its number, capacity in gallons, and the name or symbol of its owner. If the tank car or truck consists of two or more compartments, each compartment shall be identified and the capacity of each shall be marked thereon.

(5) Permanent facilities shall be provided on tank trucks to permit ready examination of manholes or other openings.

(6) A route board, or other suitable device, for carrying the required labels shall be provided on each bulk conveyance.

(7) Calibrated charts, prepared or certified by recognized authorities or engineers, showing the capacity of each compartment in gallons for each inch of depth, shall accompany each tank truck, tank ship, or barge.

(c) *Marks on bulk conveyances.* The bonded dealer shall securely attach to the route board or other suitable device a label (coated with transparent shellac or otherwise adequately protected) to further identify each car, truck, or compartment, showing the name, permit number, and location (city or town and State) of both the consignor and the consignee, the date of shipment, the words "Specially Denatured Alcohol" or "Specially Denatured Rum," as the case may be, the quantity in gallons, and the formula number of the specially denatured alcohol or specially denatured rum contained in each compartment.

(d) *Bonded dealer's responsibility.* Before filling any bulk conveyance, the bonded dealer shall examine it to ascertain that it meets the requirements of this section, and he shall refrain from, or discontinue, using any such conveyance found to be unsuitable.

§ 211.148 Form 1473.

On shipment of specially denatured spirits the bonded dealer shall prepare a notice of shipment, Form 1473, in quadruplicate for intraregional shipments and in quintuplicate for interregional shipments. If the shipment is for the account of another bonded dealer, an extra copy will be made. Where the proof of the spirits used in producing specially denatured spirits is other than 190 degrees, it shall be shown on Form 1473. Where shipments are made in tank cars, tank trucks, or consist of barrels or drums in carload lots, the name of the carrier and the number of the car or tank truck shall be entered on the form. If shipments are made for the account of another bonded dealer, as provided in § 211.137, a statement to that effect, followed by the name and address of the bonded dealer for whose account the shipment is made, shall also be shown on the form and the extra copy of the form shall be forwarded to him for his records. On shipment of the specially denatured spirits the bonded dealer shall send a copy of Form 1473 to the assistant regional commissioner of his region (two copies in the case of interregional shipments) and the original and one copy to the consignee, except in case of shipments by trucks. In the case of shipments by trucks he shall enclose the original and copy in a sealed envelope addressed to the consignee and give the same to the driver of the truck for delivery to the consignee. He shall file the remaining copy of Form 1473.

§ 211.149 Records and reports.

In addition to the records and reports required by this subpart, bonded dealers shall keep records and render reports as required in Subpart O of this part.

Subpart J—Operations by Users of Specially Denatured Spirits

PROCUREMENT OF SPECIALLY DENATURED SPIRITS

§ 211.161 Application for withdrawal permit.

Where a user desires to procure specially denatured alcohol or specially denatured rum, or both, he shall file an application on Form 1485 with the assistant regional commissioner for a withdrawal permit. The application shall show the total quantity of each formula of specially denatured alcohol or rum to be withdrawn during the term of the permit, and the total quantity of each such formula it is desired to withdraw during any one calendar month. The total quantity to be withdrawn shall not be more than is sufficient to meet the bona fide business needs of the applicant. Where the applicant desires to withdraw more than one-sixth of his annual requirements during any month, he should state his needs and furnish sufficient information for the assistant regional commissioner to determine whether such withdrawals should be authorized: *Provided,* That where one-sixth of the applicant's annual requirements is less than one drum (55 gallons), he may show as his monthly allowance a quantity not to exceed one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 211.72. A user may, if he so desires, file applications for more than one withdrawal permit and have his total annual withdrawals divided among such permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.162 Issuance and duration of withdrawal permit.

If the application submitted in accordance with § 211.161 is approved, the assistant regional commissioner shall issue withdrawal permit on Form 1485 and shall forward the original to the permittee. Withdrawal permits on Form 1485 shall terminate on October 31 of each year: *Provided,* That a permit issued on or after May 1 of any year shall remain in effect through October 31 of the following year.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.163 Application for and renewal of withdrawal permit.

Application on Form 1485 for renewal of a withdrawal permit expiring October 31 of a year shall be submitted by the permittee to the assistant regional commissioner on or before July 10 of such year in order that the renewal permit may be issued and become available for withdrawals by November 1. The user's report on Form 1482 which is required to be submitted on or before July 10 shall be submitted with the renewal application. The provisions of §§ 211.161 and 211.162 with respect to application for and issuance of withdrawal permits, respectively, are applicable to the renewal of such permits.

§ 211.164 Denial, correction, suspension or revocation, changes after original qualification, and automatic termination of withdrawal permit.

All of the provisions of Subpart D of this part with respect to the denial, correction, suspension or revocation, and changes after original qualification, the rules of practice in permit proceedings, and the automatic termination of industrial use permits are applicable to withdrawal permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.165 Cancellation of withdrawal permit.

Should an industrial use permit on Form 1481 be terminated or surrendered, or should the withdrawal permit on Form 1485 issued to the user be revoked, the withdrawal permit shall be returned immediately to the assistant regional commissioner for cancellation.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.166 Withdrawals under permit.

When the user desires to procure specially denatured alcohol or specially denatured rum, he shall forward the withdrawal permit to the denaturer or bonded dealer from whom he will procure the specially denatured alcohol or specially denatured rum. Shipments shall not be made by the consignor until he is in possession of a valid withdrawal permit, nor shall shipments exceed the quantity authorized by such permit. On shipment, the denaturer or bonded dealer shall enter the transaction on the permit and return it to the user, unless he has been authorized to retain it for the purpose of making future shipments.

§ 211.167 Regulation of withdrawals.

Withdrawals by a user shall not exceed the quantity authorized by his permit on Form 1485 and shall be so regulated by him that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of specially denatured spirits, including the quantity of recovered or restored denatured alcohol or specially denatured rum, and recovered or restored articles (which are in the form of denatured spirits) shown in his application on Form 1479 for an industrial use permit. For this purpose, specially denatured spirits, recovered or restored denatured alcohol or specially denatured rum, and recovered or restored articles (which are in the form of denatured spirits) shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and has not been allowed or if used or disposed of otherwise than as provided in this part.

§ 211.168 Receipt of specially denatured spirits.

Specially denatured spirits received on the premises of a user in portable containers shall not be transferred to other portable containers for storage, except that the contents of damaged packages may be transferred to new containers to avoid loss or waste, or the contents of certain containers may be transferred

to "safety" containers to comply with city or State fire code regulations or, on notice to the assistant regional commissioner, to comply with safety practices of the permittee. The new packages shall be labeled or otherwise marked to show the information marked on the original packages and be identified as repackaged. Specially denatured spirits received in portable containers such as drums or barrels shall, unless immediately used, be transferred to storage tanks or deposited in a storeroom as provided in accordance with § 211.91. The formula number of specially denatured spirits deposited in tanks shall be shown on each tank or, in the case of underground tanks, at a convenient and suitable location. Specially denatured spirits received in bulk conveyances or by pipeline shall be deposited in storage tanks or transferred to drums, unless immediately used in the permittee's authorized process or processes: *Provided,* That in the case of receipts by tank car or tank truck, such conveyance may be used for the storage of specially denatured spirits where the premises of the user will afford protection satisfactory to the assistant regional commissioner and, if such spirits are to be stored in tank cars, adequate siding facilities are provided on the premises. Where it is desired to so store specially denatured spirits in a tank car or tank truck, the user shall first submit written application, in duplicate, to the assistant regional commissioner for authority to do so. When specially denatured spirits received in bulk conveyances are transferred to drums, the drums shall be plainly marked or labeled to show the name and permit number of the person from whom shipment was made, the words "Specially Denatured Alcohol" or "Specially Denatured Rum," the formula number, and the date of receipt. On receipt of specially denatured spirits by the user, he shall ascertain and account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months.

USE OF SPECIALLY DENATURED SPIRITS

§ 211.169 General.

Uses of specially denatured spirits shall be as authorized under Part 212 of this chapter. Specially denatured spirits shall not be used until Form 1479–A showing the intended use, process, formula, or article has been approved, as required by Subpart G of this part. Specially denatured spirits shall not be used in the manufacture of medicinal preparations or flavoring extracts for internal human use where any of the spirits remain in the finished product. Liquid products containing specially denatured spirits shall be unfit for beverage or internal human use. The essential oils and chemicals used in their manufacture shall make the finished products conform to the samples and formulas for such products submitted by the applicant with Form 1479–A and approved by the Director or, in the case of rubbing alcohol compounds, by the assistant regional commissioner. Whenever the assistant regional commissioner has reason to believe that the spirits in any articles are being reclaimed or diverted to beverage or internal human use, the permittee shall be directed to appear on a day named and show cause why the authorized formula and article should not be so changed and modified as to prevent such reclamation or diversion. In the event the permittee should fail to appear, or appearing, should fail to prove to the satisfaction of the assistant regional commissioner that the spirits in the authorized article are not reclaimable and are not being diverted to beverage or internal human use, he shall, at the direction of the assistant regional commissioner, discontinue the use of the formula until it has been modified and again approved.

(72 Stat. 1372; 26 U.S.C. 5273)

PROPRIETARY SOLVENTS

§ 211.170 Manufacture of proprietary solvents.

All articles coming under the general classification of proprietary solvents shall be manufactured with specially denatured alcohol Formula No. 1. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) *Formulation No. I.*

	Gallons
Specially denatured alcohol formula No. 1	100
Ethyl acetate	5
Gasoline or rubber hydrocarbon solvent	1

(2) *Formulation No. II.*

	Gallons
Specially denatured alcohol formula No. 1	100
Denaturing grade wood alcohol	2
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(3) *Formulation No. III.*

	Gallons
Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(4) *Formulation No. IV.*

	Gallons
Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
tert-butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

(5) *Formulation No. V.*

	Gallons
Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Secondary butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

§ 211.171 Sales by producers.

Proprietary solvents may be sold by producers to any person for use in manufacturing or as a solvent and to distributors and other persons for resale.

§ 211.172 Use in manufacturing.

Persons desiring to manufacture articles containing in excess of 25 percent alcohol by volume with proprietary solvents, for sale, shall add quantities of materials to definitely change the composition and character of the proprietary solvent. The manufacturer of such article shall submit Form 1479–A as required by Subpart G of this part except in the manufacture of surface coatings containing not less than two pounds of solid coating material per gallon, and shall designate the formulation under which such article is to be made, in the manner shown in § 211.170.

§ 211.173 Shipments by bulk conveyances.

Proprietary solvents may be shipped in bulk conveyances by producers to themselves at other locations, by distributors to themselves at other locations, and, on notice to the assistant regional commissioner by the consignor, in writing, to other persons. Such notice shall be in duplicate if the consignee is located in another region and shall designate, by name, address, and type of business, the persons to whom bulk shipments are to be made, and shall state the approximate quantity to be shipped, and, except in the case of a distributor, the use to be made of the solvents by the consignee. Such notice may be given on a continuing basis, in which case the quantity to be shipped may be shown on a monthly or other periodic basis. The assistant regional commissioner may require the consignor to furnish additional information as to the needs of the consignee and the specific uses to be made of the proprietary solvents. Proprietary solvents from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of any one compartment may be delivered to any one consignee at any one premises.

§ 211.174 Receipt.

Unless proprietary solvents received in bulk conveyances are to be used immediately, they shall be deposited in storage tanks or drawn into packages which shall be marked as required by this subpart.

§ 211.175 Sales by persons other than producers.

Where a distributor desires to purchase and sell proprietary solvents in quantities of more than 3,000 gallons during any month, or to make sales of such solvents in quantities of more than 275 gallons at any one time, he shall give notice, in writing, to the assistant regional commissioner. Such notice shall establish a legitimate need for the proprietary solvents and, in the case of sales of more than 275 gallons to a customer, shall show the use to be made of such solvents.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.176 Filling of packages.

Proprietary solvents may be packaged by producers, agents of producers, or by distributors and persons using such products, in containers of any size not exceeding 55 gallons. Containers shall

be marked or labeled (except those containers filled for convenience by persons using such products at their own plant premises) as required by §§ 211.177 and 211.179.

§ 211.177 Marking of containers of more than 5 gallons.

All packages of proprietary solvents containing more than 5 gallons shall have placed thereon a serial number and the industrial use permit number of the producer, and shall have conspicuously placed thereon, or on a label attached thereto, in red letters, the word "POISON", together with a statement that the contents if taken internally will cause serious consequences to health, or possibly death. When such packages are filled by a distributor there shall also be shown the name and address of such distributor preceded by the words "Filled by". When shipments are made in bulk conveyances a label shall be affixed to the route board or other suitable device, giving the name of the product, the quantity, and the producer's name, address, and permit number. When such shipments are made by the producer's agent or by a distributor, the name and address of the agent or the distributor may be shown in lieu of the name and address of the producer.

§ 211.178 Numbering of packages.

All packages of proprietary solvents containing more than 5 gallons shall be consecutively numbered commencing with "1" and continuing in regular sequence, except that the current series may be continued. When any series reaches "1,000,000" the series may be recommenced and the recommenced series shall be given an alphabetical prefix or suffix. Where an agent of a producer fills packages in the name of the producer, the agent may either use serial numbers from a block of numbers assigned to him by the producer or use a separate series of serial numbers (differentiated from that of the producer by a suitable prefix) to identify the packages filled by him.

§ 211.179 Labeling of containers of 5 gallons or less.

Containers of 5 gallons or less of proprietary solvents shall be labeled to show the producer's name and address: *Provided,* That where the product is packaged for or by an agent of the producer or for or by another person, the name and address of the agent or other person, as the case may be, may be shown in lieu of the name and address of the producer. All containers shall have printed thereon, or on a label attached thereto, in large letters, in red ink, the word "POISON", together with a statement that the contents if taken internally will cause serious consequences to health, or possibly death. If the words "denatured alcohol" appear on the label, they may not be in contrasting color nor may they be in a size larger than the brand name of the product.

SPECIAL INDUSTRIAL SOLVENTS

§ 211.180 Manufacture.

Special industrial solvents shall be manufactured with specially denatured alcohol Formula No. 1. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) *Formulation A.*

	Gallons
Specially denatured alcohol formula No. 1	100
Isopropyl alcohol	10
Methyl isobutyl ketone	1

(2) *Formulation B.*

	Gallons
Specially denatured alcohol formula No. 1	100
Isopropyl alcohol	5
Methyl isobutyl ketone	1
Methyl alcohol	5

(3) *Formulation C.*

	Gallons
Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Ethyl acetate	5

§ 211.181 Sales by producers.

Special industrial solvents may be sold by producers to any person for use in manufacturing or as a solvent and to wholesale distributors for resale. Sale of such solvents for distribution through retail channels is prohibited.

§ 211.182 Use in manufacturing.

When special industrial solvents are used in the manufacture of articles for sale there shall be added sufficient ingredients to definitely change the composition and character of the special industrial solvent. Such manufacture shall not be done until a Form 1479–A covering the production has been approved in accordance with Subpart G of this part. The formulation under which the special industrial solvent article is made shall be identified on Form 1479–A in the manner shown in § 211.180. Special industrial solvents shall not be reprocessed into other solvents for sale containing more than 25 percent alcohol by volume.

§ 211.183 Sales to and by distributors.

A distributor shall not purchase or sell more than 550 gallons of special industrial solvents during a calendar month, unless he notifies the assistant regional commissioner, in writing, stating the circumstances which occasioned the need for such purchases or sales. In the case of sales, the notice shall designate, by name, address, and type of business, the persons to whom sales are to be made and the use to be made of the solvents by such consignees. Distributors shall not relabel special industrial solvents under their own brand name and shall not repackage such solvents except for the purpose of shipping samples in containers of not more than 5 gallons in capacity to prospective customers for the purpose of sample evaluation.

§ 211.184 Numbering of containers.

All containers of special industrial solvents, except sample packages of 5 gallons or less, shall be consecutively numbered commencing with "1" and continuing in regular sequence. When any series reaches "1,000,000" the series may be recommenced and the recommenced series shall be given an alphabetical prefix or suffix.

§ 211.185 Shipments.

Special industrial solvents shall be shipped in containers having a capacity of 50 gallons or more, except that such solvents may be shipped in containers of not more than 5 gallons capacity to prospective customers for the purpose of sample evaluation and not for sale. All such containers shall have affixed thereto a label showing the brand name under which produced and the name and address of the producer, except that in the case of tank car or tank truck shipments the label shall be affixed to the route board of such vehicle. Shipments in bulk conveyances may be made only by producers. Such shipments may be made by producers to themselves at other locations and, pursuant to notice to the assistant regional commissioner by the producer, in writing, to industrial solvent users. Such notice shall specify the quantity to be shipped and the use to be made of the special industrial solvents by the customer. Such notice may be given on a continuing basis. Special industrial solvents from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of any one compartment may be delivered to any one consignee at any one premises.

RUBBING ALCOHOL COMPOUND

§ 211.186 General.

Rubbing alcohol compound shall mean any product manufactured with specially denatured alcohol and represented to be a "rubbing alcohol compound." Rubbing alcohol compounds shall be made only as prescribed in § 211.187 and no other product shall be labeled to imply that it is a rubbing alcohol compound. Any product manufactured with specially denatured alcohol and labeled and sold as a rubbing alcohol compound shall be packaged in containers not exceeding 1 pint in capacity by the manufacturer thereof. Rubbing alcohol compound shall not be repackaged or relabeled by others after it has been removed from the premises of the manufacturer.

§ 211.187 Manufacture.

All rubbing alcohol compounds shall be manufactured with specially denatured alcohol Formula No. 23–H according to the following formula:

S.D.A. No. 23–H	103.3 fl. oz.
Sucrose octa-acetate	0.5 av. oz.
Water (and odorous or medicinal ingredients) q.s	1 gal.

Manufacturers may add to the formula other odorous or medicinal ingredients if they are shown in the formula submitted for approval and if the finished product contains 70 percent absolute alcohol by volume.

§ 211.188 Brand label.

Each bottle of rubbing alcohol compound shall bear a brand label, placed thereon by the manufacturer, containing the following information:

(a) The brand or trade name of the product, if any;

(b) The legend "Rubbing Alcohol Compound" which shall be in letters of the same color and size;

(c) The name and address of the manufacturer: *Provided,* That where rubbing alcohol compound is bottled for a certain wholesale or retail druggist and it is desired to show the name and address of such druggist on the label in lieu of the name and address of the manufacturer, such may be done if the industrial use permit number of the manufacturer is printed on the label;

(d) The legend "Contains 70 percent alcohol by volume," "Contains 70 percent ethyl alcohol by volume," or "Contains 70 percent absolute alcohol by volume;" and

(e) The legend "For external use only. If taken internally, serious gastric disturbances will result."

The manufacturer may incorporate in the brand label, or in a separate label appearing in conjunction with the brand label, any other desired statement, but such statement shall not obscure or contradict the required labeling. No misleading statement, which would give the impression that the product is pure alcohol or is susceptible of beverage use, shall be permitted on labels. No label shall be used on any bottle of rubbing alcohol compound unless the same has been approved by the assistant regional commissioner in accordance with § 211.102.

§ 211.189 Manufactured with isopropanol, etc.

A preparation labeled "Rubbing Alcohol Compound" without a definite modification is held to connote that such preparation was manufactured with specially denatured alcohol. Accordingly, if a preparation intended for use as rubbing alcohol compound is produced from any other material, such as isopropyl alcohol, it shall not be labeled "Rubbing Alcohol Compound" without appropriate modification, clearly indicating that it was not made with specially denatured alcohol.

§ 211.190 To whom may be sold.

The sale of rubbing alcohol compound by the manufacturer or wholesale druggist shall be made directly, or through his employees, only to wholesale or retail druggists, and to purchasers who acquire the product for legitimate external use and not for resale (such as hospitals, sanitariums, clinics, turkish baths, athletic associations, physicians, dentists, and veterinarians). This product may also be sold by retail druggists to any of the foregoing or in customary retail quantities only to other persons for external use.

BAY RUM, HAIR LOTIONS, SKIN LOTIONS, AND SIMILAR PRODUCTS

§ 211.191 General.

The packaging, bottling, sale, and labeling of bay rum, hair lotions, dry shampoos, deodorant sprays, skin lotions, perfumes, toilet waters, witch hazel, and similar products, made with specially denatured alcohol, shall be in accordance with the provisions of §§ 211.192 to 211.197.

§ 211.192 Manufacture.

All bay rum, alcoholado, or alcoholado type toilet waters, made with specially denatured alcohol shall contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product. Preparations manufactured with specially denatured alcohol formula No. 39–C shall contain in each gallon of finished product not less than 2 fluid ounces of perfume material (essential oils, isolates, aromatic chemicals, etc.) satisfactory to the Director.

§ 211.193 Reprocessing, bottling, and repackaging.

Any person who desires to bottle or repackage any of the products which are specified in § 211.191 and which contain specially denatured alcohol, or any person who desires to reprocess such products, may be authorized to do so pursuant to application filed on Form 2622 with the assistant regional commissioner of his region. Where such person or any commercial user (such as beauty parlors or turkish bath establishments) desires to procure these products in bulk (containers exceeding one gallon), he shall make application on Form 2622 to the assistant regional commissioner for authority to do so.

§ 211.194 Containers.

Products specified in § 211.191 which contain specially denatured alcohol shall not be sold in containers exceeding one gallon in capacity: *Provided,* That sales of such products in containers exceeding one gallon in capacity may be made where the vendor has received a Form 2622 approved by the assistant regional commissioner authorizing purchase in such containers by the vendee.

§ 211.195 Labels.

Where products specified in § 211.191 are packaged or bottled by the manufacturer, the labels shall show (a) the name of the manufacturer and the address or addresses of the actual place or places of manufacture; or (b) the name of the manufacturer, the address of the principal office, and the permit number or numbers of the place or places of manufacture; or (c) the permit number of the manufacturer and the name and address of the person for whom the bottles or other containers are filled. Where the same premises are operated under one or more approved trade names, any one or more of such trade names may be shown on the label as the name of the manufacturer. Where products specified in § 211.191 which contain specially denatured alcohol are bottled, repackaged, or reprocessed by a permittee, he shall show his name and address in lieu of the permit number of the original manufacturer or, if packaged for another person, his own permit number and the name and address of the person for whom packaged. Where such products containing specially denatured alcohol are bottled, repackaged, or reprocessed by a nonpermittee, he shall show the permit number of the original manufacturing permittee and (a) his own name and address or, (b) if packaged for another person, the name and address of the person for whom packaged. The foregoing requirements shall not apply to witch hazel packaged in containers of one gallon or less and shall not apply to products specified in § 211.191 which have been approved as containing 6 fluid ounces or more of perfume oil per gallon of finished product, or which have been approved as containing not more than 16 fluid ounces of specially denatured alcohol per gallon of finished product, or to any product marketed under a trade or brand name label in a container of 8 fluid ounces or less capacity: *Provided,* That the manufacturer or bottler specifies on the Form 1479–A with which the label is submitted for approval that such label is to be used only on such products or containers.

§ 211.196 State code numbers.

In showing the permit number on labels as provided in § 211.195, a manufacturer may substitute the appropriate number shown below for the State abbreviation. For example, permit number SDA–CONN–1234 may be shown on the label as SDA–07–1234. The code numbers for the respective States are as follows:

01—Alabama.	27—Montana.
02—Alaska.	28—Nebraska.
03—Arizona.	29—Nevada.
04—Arkansas.	30—New Hampshire.
05—California.	31—New Jersey.
06—Colorado.	32—New Mexico.
07—Connecticut.	33—New York.
08—Delaware.	34—North Carolina.
09—D.C.	35—North Dakota.
10—Florida.	36—Ohio.
11—Georgia.	37—Oklahoma.
12—Hawaii.	38—Oregon.
13—Idaho.	39—Pennsylvania.
14—Illinois.	40—Rhode Island.
15—Indiana.	41—South Carolina.
16—Iowa.	42—South Dakota.
17—Kansas.	43—Tennessee.
18—Kentucky.	44—Texas.
19—Louisiana.	45—Utah.
20—Maine.	46—Vermont.
21—Maryland.	47—Virginia.
22—Massachusetts.	48—Washington.
23—Michigan.	49—West Virginia.
24—Minnesota.	50—Wisconsin.
25—Mississippi.	51—Wyoming.
26—Missouri.	

§ 211.197 Labels to be approved.

All persons bottling products specified in § 211.191 which contain specially denatured alcohol shall submit Form 1479–A with labels or facsimiles thereof to the Director for approval before use, in accordance with § 211.106. Where labels are submitted for approval by persons other than the original manufacturer or reprocessor, the name and address of the bottler shall be shown in the heading of Form 1479–A, and in the space provided for stating the "Formula" there shall be typed the words "For Label Approval Only", followed by:

(a) The name, address or addresses, and permit number or numbers of the actual manufacturer, and the name, and address, and permit number, if any, of the reprocessor;

(b) The name under which the product was manufactured or reprocessed; and the date of formula approval;

(c) The name under which the product is to be bottled and labeled;

(d) The size of the containers in which the product will be bottled; and

(e) The manner of showing the name and address of the bottler or person for whom the product is bottled, and the permit number of the manufacturer or reprocessor, on containers of more than 8 ounces.

There may be submitted on one set of Forms 1479–A as many labels, together with the required information, as may be conveniently accommodated thereon. The provisions of this section shall not apply to witch hazel in containers of one gallon or less.

INTERNAL MEDICINAL PREPARATIONS AND FLAVORING EXTRACTS

§ 211.198 General.

Medicinal preparations and flavoring extracts for internal human use shall not be manufactured with specially denatured spirits where any of the spirits remain in the finished product. Labels, cartons, and advertising matter used in connection with external preparations manufactured for human use with specially denatured spirits shall not bear any reference to internal use or prescribe any internal dosage.

(72 Stat. 1372; 26 U.S.C. 5273)

Other Articles

§ 211.199 Reagent alcohol.

(a) *Production, packaging, and sales.* Users who are proprietors of bona fide supply houses may manufacture an article, designated as reagent alcohol, containing 95 parts by volume of S.D.A. Formula No. 3–A and 5 parts by volume of isopropyl alcohol. It shall be packaged in containers holding not in excess of 1 gallon and may be sold to school laboratories, medical laboratories, physicians and others requiring small quantities for scientific purposes.

(b) *Labels.* Reagent alcohol shall bear a front label as follows:

REAGENT ALCOHOL

Specially Denatured Alcohol Formula 3A—95 parts by vol.

Isopropyl Alcohol—5 parts by vol.

CAUTION * * * POISON
CONTAINS METHYL ALCOHOL

NOT FOR INTERNAL OR EXTERNAL USE

A back label shall be attached bearing the word "ANTIDOTE", followed by suitable directions therefor.

§ 211.200 Solvents not specifically authorized.

Articles such as duplicating and printing fluids made with specially denatured alcohol shall not be sold for other solvent use and shall not be reprocessed into other products for sale. Where proprietary solvents, special industrial solvents, or other authorized solvents are unsatisfactory for a particular purpose, the person desiring a suitable solvent shall first qualify as a user under the provisions of Subparts D and E of this part and shall submit Form 1479–A, to cover the process or article proposed to be made by him, as provided in Subpart G of this part.

§ 211.201 Labels on other articles containing specially denatured spirits.

The Director may require containers of articles, other than those specified in this part, containing specially denatured spirits to be labeled, stenciled, or otherwise marked with (a) the name of the manufacturer and the address of the actual place of manufacture, (b) the manufacturer's name, the address of his principal office and his permit number, or (c) the name and address of the distributor and the permit number of the manufacturer.

RECORDS AND REPORTS

§ 211.202 Records and reports.

Users of specially denatured spirits, persons dealing in special industrial solvents or proprietary solvents, and reprocessors, bottlers, repackagers, and distributors of bay rum, hair lotions, skin lotions, and similar products, shall keep such records and, where applicable, render such reports as are required in Subpart O of this part.

Subpart K—Recovery of Denatured Alcohol, Specially Denatured Rum, and Articles

§ 211.211 General.

Manufacturers using denatured alcohol, specially denatured rum, or articles in an approved process may recover such alcohol, rum, or articles upon receiving approval therefor pursuant to the filing of appropriate qualifying documents in accordance with the applicable provisions of Subparts D, E, and G of this part: *Provided,* That a person who recovers completely denatured alcohol with all its original ingredients, an article made with specially denatured spirits with all its ingredients, or an article made with completely denatured alcohol with all the denaturants of the completely denatured alcohol shall not be required to obtain approval. Restoration and redenaturation may be accomplished by a permittee or by the proprietor of a distilled spirits plant.

§ 211.212 Deposit in receiving tanks.

All denatured alcohol, specially denatured rum, or articles recovered shall be accumulated, after recovery or restoration is completed, in a receiving tank equipped for locking. Where such product is to be shipped pursuant to § 211.217, it may be accumulated in appropriately marked packages. All denatured alcohol or specially denatured rum recovered shall be measured and recorded before being redenatured or reused. Recovered denatured alcohol or specially denatured rum and new denatured alcohol or specially denatured rum shall be kept in separate storage containers properly marked for identification.

§ 211.213 Reuse of recovered spirits.

If the denatured alcohol or specially denatured rum is recovered in its original denatured state, or practically so, or contains substantial quantities of the original denaturants and other ingredients which render it unfit for beverage or other internal human medicinal use, it may be reused in any approved process without further redenaturation. In such cases, the assistant regional commissioner shall cause samples of the recovered product to be taken from time to time for the purpose of determining whether the product requires redenaturation. Where the denatured alcohol or specially denatured rum is not recovered in such state, it shall be redenatured under the supervision of an internal revenue officer at the premises of the manufacturer or a denaturer before being used.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.214 Application for redenaturation, Form 1483.

When recovered denatured alcohol or specially denatured rum requiring redenaturation is collected in sufficient quantities and the manufacturer desires to redenature it on his premises, he shall file application on Form 1483, in duplicate, with the assistant regional commissioner.

§ 211.215 Denaturants.

Manufacturers shall comply with the applicable requirements of Part 201 of this chapter governing the procurement, use, and recordkeeping of such denaturants by denaturers.

§ 211.216 Redenaturation of recovered spirits.

On approval of Form 1483, the assistant regional commissioner shall detail an internal revenue officer to supervise the redenaturation of the spirits. After ascertaining the quantity and proof of the spirits, the officer shall see that the proper quantity of denaturants are added to meet the requirements of the formula and thoroughly mixed with the spirits. On redenaturation of the recovered spirits, the internal revenue officer shall execute his report thereof on the original and copy of Form 1483 and deliver one copy of the form to the manufacturer.

§ 211.217 Shipment for restoration or redenaturation.

Recovered denatured alcohol, recovered specially denatured rum, or recovered articles requiring restoration or redenaturation, or both, unless the same is to be done on the manufacturer's premises, shall be shipped to a distilled spirits plant. Packages shall be numbered in serial order, beginning with "1" and continuing in regular sequence, and have marked or stenciled thereon the name, address, and permit number of the manufacturer, the quantity in gallons of spirits contained therein, and the words "Recovered denatured alcohol formula No. _____" or "Recovered specially denatured rum formula No. _____".

§ 211.218 Notice of shipment.

When recovered denatured alcohol or specially denatured rum is shipped as provided for in § 211.217, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if consignee is located in another region), and, on the day of shipment, forward the original and one

copy to the proprietor of the distilled spirits plant to which shipment is made, one copy (or two copies if the consignee is located in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

(72 Stat. 1372; 26 U.S.C. 5273)

Subpart L—Use of Specially Denatured Spirits by the United States or Governmental Agency

§ 211.231 Application and permit.

Specially denatured spirits may be withdrawn by the United States or any Governmental agency thereof on filing application on Form 1486, and issuance of permit therefor. Form 1486 shall be executed in duplicate, signed by the head of the department or independent bureau or agency to which such specially denatured spirits are to be shipped, or by some person duly authorized by such head of a department or independent bureau or agency and forwarded to the Director. Evidence of authority to sign for the head of a department or independent bureau or agency shall be furnished the Director. When specially denatured spirits are to be furnished to a contractor by an agency of the United States, the specially denatured spirits shall be purchased by the agency and the quantity of specially denatured spirits so furnished shall be limited to the minimum actually required by the contractor to meet Governmental requirements under the specific contract. The permit may be left with the denaturer or bonded dealer during the term of its use or retained by the agency and furnished to the supplier with each order for spirits. Every appropriate precaution shall be taken by the agency to insure that the specially denatured spirits so procured will be used only for Governmental purposes.

(72 Stat. 1370, 1372; 26 U.S.C. 5271, 5273)

§ 211.232 Bond.

No bond is required covering specially denatured spirits withdrawn for the use of the United States or any Governmental agency thereof.

§ 211.233 Procurement of specially denatured spirits.

When specially denatured spirits are to be procured by the United States or a Governmental agency thereof, the permit on Form 1486, received from the Director pursuant to an application filed in accordance with the provisions of § 211.231, shall be forwarded to the denaturer or bonded dealer from whom the specially denatured spirits are to be obtained. A purchase order shall be submitted by the Governmental agency for any specially denatured spirits shipped under the permit. At the time of shipment, the vendor shall record the shipment on the permit and return it to the Governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.234 Preparation of Form 1473 by bonded dealer.

On receipt of permit, Form 1486, and shipment of the specially denatured spirits, by a bonded dealer, he shall prepare Form 1473 in quadruplicate, or in quintuplicate when shipping for the account of another bonded dealer. The bonded dealer shall mail the original and one copy of Form 1473 to the consignee, except that in the case of truck shipments, he will enclose them in a sealed envelope addressed to the representative of the Governmental agency to whom the specially denatured spirits are consigned and give them to the driver of the truck for delivery to such representative. He will forward one copy of the form to the assistant regional commissioner, a copy to the other bonded dealer when shipment is made for the account of such dealer, and file the remaining copy.

§ 211.235 Receipt of shipment.

On receipt of a shipment of specially denatured spirits, the representative of the Governmental agency receiving the same shall execute the certificate of receipt on the original and copy of Form 1473 received from the denaturer or bonded dealer, after noting thereon any loss or deficiency in the shipment, and shall forward the original to the assistant regional commissioner of the region in which the consignor is located and retain the copy for his files.

§ 211.236 Discontinuance of use.

When no more specially denatured spirits will be procured under a permit, the permit shall be returned to the Director for cancellation.

§ 211.237 Disposition of excess specially denatured spirits.

Any excess specially denatured spirits in the possession of a Governmental agency shall be disposed of to another Governmental agency of the United States holding a permit under this part, returned to a distilled spirits plant or a bonded dealer, on approval of the assistant regional commissioner of the region in which the plant or dealer is located, or disposed of otherwise as may be authorized by the Director. In no case may such spirits be disposed of to the general public.

Subpart M—Losses of Specially Denatured Spirits

§ 211.241 Losses by theft.

The quantity of specially denatured spirits lost by theft shall be determined at the time the loss is discovered. Such losses shall be recorded on the records required by § 211.264 or § 211.265 and entered on Form 1478 or Form 1482, as the case may be. The bonded dealer or user shall immediately report such loss to the assistant regional commissioner, explaining the circumstances under which the loss occurred. Claim for allowance for all such losses, regardless of the percentage of loss, shall be made.

§ 211.242 Losses in transit.

The quantity of specially denatured spirits lost while in transit to a bonded dealer's premises or a user's premises shall be determined at the time the shipment or report of loss is received and shall be reported on Form 1478 or Form 1482, as the case may be, and on Form 1473. Except as provided in § 211.241, where the quantity lost from wooden packages contained in a shipment exceeds 3 percent of their original aggregate contents or the loss from any other containers in a shipment exceeds 1 percent of their original aggregate contents, and the quantity lost is more than 5 gallons, claim for allowance of the entire quantity lost shall be filed by the consignee. Where losses in transit do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, no claim for allowance will be required.

§ 211.243 Losses at premises of bonded dealer or user.

Losses of specially denatured spirits from storage tanks shall be determined by physical inventory of such tanks at the close of each month. Losses, if any, from packages shall be determined at the time the packages are removed for shipment or dumped for repackaging or use. All losses on a bonded dealer's premises shall be recorded in the records required by § 211.264 and reported on Form 1478 by such dealer for the month in which they are discovered. Losses of specially denatured spirits at a user's premises shall be determined and recorded in the records required by § 211.265 and reported on Form 1482. If the quantity lost during any one month exceeds 1 percent of the quantity of specially denatured spirits to be accounted for during the month, and is more than 5 gallons, claim for allowance of the entire quantity lost shall be made by the bonded dealer or user. Where losses on the premises do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the loss was unlawfully used or removed, claim for allowance will not be required, except in the case of losses under § 211.241.

§ 211.244 Claims.

Claims for allowance of losses of specially denatured spirits shall be filed, on Form 2635, with the assistant regional commissioner within 30 days from the date the loss is ascertained, and shall set forth the following:

(a) Name, address, and permit number of the claimant;

(b) Identification and location of the container or containers from which the specially denatured spirits were lost;

(c) Quantity of specially denatured spirits lost from each container, the total quantity of specially denatured spirits covered by the claim, and the aggregate quantity involved;

(d) Date of the loss (or, if not known, date of discovery), the cause or nature thereof, and all the facts relative thereto, including facts establishing whether the loss occurred as a result of any negligence, connivance, collusion, or fraud on the part of any person participating in, or responsible in any manner

for, the transaction, or any employee or agent of such person; and

(e) Name of the carrier where a loss in transit is involved.

The assistant regional commissioner may require the submission of additional evidence.

Subpart N—Destruction, Disposition, or Return of Specially Denatured Spirits and Disposition of Recovered Denatured Alcohol, Recovered Specially Denatured Rum, and Articles

§ 211.251 Destruction.

Specially denatured spirits in the possession of a permittee may be destroyed by him on approval of the assistant regional commissioner. The permitttee shall file application to do so with the assistant regional commissioner, in duplicate, stating fully the reasons therefor. On approval of the application, the assistant regional commissioner shall instruct the permittee whether or not the destruction shall be witnessed by an internal revenue officer. The internal revenue officer, if assigned, or the permittee shall certify to the destruction on the original and copy of the approved application, specifying the date and manner of destruction. The copy of the approved application shall be filed by the permittee and the original returned to the assistant regional commissioner.

§ 211.252 Return to denaturer or bonded dealer.

For any legitimate reason, a permittee may return specially denatured spirits to any denaturer or bonded dealer (whether or not he was the original shipper) if the denaturer or bonded dealer consents to the return and permission for the transfer is in each instance first obtained from the assistant regional commissioner of the region from which the specially denatured spirits are to be returned. Application for permission shall be filed in triplicate (quadruplicate if the bonded dealer or denaturer is in another region). If the application is approved the assistant regional commissioner will forward a copy to the permittee, a copy to the denaturer or bonded dealer, and the additional copy, if any, to the consignee's assistant regional commissioner. Where specially denatured spirits are to be returned to a bonded dealer as provided in this section and § 211.254, the bonded dealer may, if he so desires, file one consent of surety on his bond to extend the terms thereof to cover all such spirits which may be so returned to him.

§ 211.253 Reconsignment in transit.

Where, prior to or on arrival at the premises of a consignee, specially denatured spirits are found to be unsuitable for the purpose for which intended, were shipped in error, or, for any other bona fide reason, are not accepted by such consignee, or are not accepted by a carrier, they may be reconsigned, by the bonded dealer or denaturer making shipment, to himself, or to another permittee on notification to the assistant regional commissioner of the consignor's region of such reconsignment. In such case, the bond of the person to whom the specially denatured spirits were reconsigned shall cover such spirits while in transit after reconsignment. Notice of cancellation of the Form 1473 covering the shipment to the original consignee shall be made by the consignor to each person receiving a copy of such Form 1473. Where the reconsignment is to another permittee a new Form 1473 shall be prepared and have placed thereon the word "Reconsignment." The entry on the withdrawal permit covering the original shipment shall be voided and appropriate entries shall be made on the withdrawal permit of the permittee to whom the specially denatured spirits were reconsigned.

§ 211.254 Disposition on permanent discontinuance of business.

When a bonded dealer permanently discontinues business, any specially denatured spirits remaining on hand at the time of such discontinuance, which it is impractical to dispose of to users or other bonded dealers, pursuant to withdrawal permit, may be returned to a distilled spirits plant in accordance with the procedure prescribed in § 211.252, or destroyed in accordance with the procedure prescribed in § 211.251. When a user permanently discontinues the use of specially denatured spirits, he may return any such spirits on hand at the time of discontinuance to a bonded dealer or distilled spirits plant in accordance with § 211.252, destroy it in accordance with § 211.251, or dispose of it to another user if consent of surety is filed on the consignee's bond extending the terms thereof to cover the transportation of the spirits to his premises.

§ 211.255 Notice of shipment.

When specially denatured spirits are shipped in accordance with § 211.252 or § 211.254, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if the consignee is located in another region) and, on the day of shipment, forward the original and one copy to the consignee, one copy (two copies if the consignee is located in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

§ 211.256 Disposition after revocation of permit.

When any industrial use permit, Form 1476 or 1481, is finally revoked, all specially denatured spirits in transit to and in possession of the permittee, and all recovered denatured spirits, recovered specially denatured rum, or recovered articles and articles in process of manufacture, may continue to be lawfully possessed by the former permittee for a period of 60 days after such revocation for the purpose of making lawful disposition thereof, pursuant to proper permit therefor, which the former permittee shall do within said period. Unless such stocks are disposed of within the period of 60 days they are subject to seizure and forfeiture.

(72 Stat. 1370, 68A Stat. 867; 26 U.S.C. 5271, 7302)

§ 211.257 Disposition of recovered denatured alcohol, recovered specially denatured rum, or articles on permanent discontinuance of use of denatured alcohol or specially denatured rum.

Recovered denatured alcohol, recovered specially denatured rum, or recovered articles, articles in process of manufacture, and completed articles in possession of the permittee at the time of permanent discontinuance of use of denatured alcohol or specially denatured rum shall be disposed of as authorized by the assistant regional commissioner, after full advice respecting their condition and the disposition it is desired to make of such products has been submitted to him.

§ 211.258 Disposition of completed articles after revocation of permit.

When completed articles remain in the possession of the permittee at the time of final revocation of his industrial use permit, Form 1481, they shall be disposed of only as authorized by the assistant regional commissioner.

Subpart O—Records and Reports

§ 211.261 Records of completely denatured alcohol.

Persons receiving, storing, selling, or using as much as 550 gallons of completely denatured alcohol in a calendar month shall keep such records of transactions in completely denatured alcohol, including the serial numbers on the containers, as will enable any internal revenue officer to verify and trace receipts, storage, and disposals and to ascertain whether there has been compliance with law and regulations: *Provided,* That on sales in quantities of less than 5 gallons, only the total quantity so disposed of daily need be recorded. Persons receiving or transferring completely denatured alcohol by pipeline or in bulk conveyances shall keep such records, regardless of the amount received, used, or disposed of during a calendar month.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.262 Records of proprietary antifreeze made with completely denatured alcohol.

Persons producing, receiving, storing, or selling as much as 550 gallons of proprietary antifreeze solutions made with completely denatured alcohol in a calendar month shall keep such records of transactions in proprietary antifreeze solutions, including the serial numbers (if any) on the containers, as will enable any internal revenue officer to verify and trace such production, receipts, storage, and disposals and to ascertain whether there has been compliance with law and regulations: *Provided,* That on sales in quantities of less than 5 gallons, only the total quantity so disposed of daily need be recorded. Persons receiving or transferring such proprietary antifreeze solutions in bulk conveyances shall keep such records regardless of the amount received, produced, or disposed of during a calendar month.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.263 Records of recovered completely denatured alcohol and articles.

Any person who recovers completely denatured alcohol or articles under an industrial use permit shall keep records with respect to the recovery and reuse thereof in sufficient detail (a) to enable him to prepare Form 1482 and (b) to enable any internal revenue officer to verify and trace such recovery and reuse.

§ 211.264 Records of bonded dealers.

Bonded dealers shall keep records which shall accurately and clearly reflect the details of all specially denatured spirits received, lost, destroyed, and disposed of. Such records shall contain all data necessary (a) to enable ready identification and proper marking, branding, and labeling of specially denatured spirits, (b) to enable the bonded dealer to prepare Form 1478, and (c) to enable internal revenue officers to verify and trace each transaction, to verify claims, and to ascertain whether there has been compliance with law and regulations.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.265 Records of users of specially denatured spirits.

(a) *Persons manufacturing bay rum, hair lotions, skin lotions, and similar products which contain specially denatured alcohol.* Persons holding permit to use specially denatured alcohol in the manufacture of bay rum, hair lotions, skin lotions, and similar products covered by § 211.191, shall keep a manufacturing record on Form 133, covering all such products which contain specially denatured alcohol, which will accurately and clearly reflect the details of all specially denatured alcohol received and used in such products, and all such products manufactured. The details of manufacture, showing the quantities of essential oils, chemicals, or other materials used in manufacturing, shall be shown on a separate batch record, identified by serial number. Such persons shall also keep a bottling or packaging and sales record on Form 134 of all products which contain specially denatured alcohol, which will accurately and clearly reflect the details of all such products manufactured and the disposition thereof: *Provided,* That other manufacturing and sales records may be maintained for such products, on approval of the assistant regional commissioner, if such substitute records reflect all of the data required by Forms 133 and 134 and are maintained in such a manner as to enable internal revenue officers to readily determine the proper use of all specially denatured alcohol and the proper disposition of all products made therefrom: *Provided further,* That where the permit limits the withdrawal of specially denatured alcohol to 25 gallons or less per calendar month, or, in the case of persons who also reprocess products containing specially denatured alcohol, where the quantity of specially denatured alcohol withdrawn and the quantity of such products received for reprocessing do not exceed 25 gallons, such records need not be maintained. Records of products specified in § 211.191 made with specially denatured alcohol but which do not contain specially denatured alcohol shall be kept in accordance with paragraph (b) of this section.

(b) *Persons manufacturing other articles.* Every person holding permit to use specially denatured spirits, except as provided in paragraph (a) of this section, shall keep records which shall accurately and clearly reflect the details of specially denatured spirits received, used, and recovered, and of articles recovered. Such records shall contain all data necessary (1) to enable the permittee to prepare Form 1482 and (2) to enable any internal revenue officer to verify and trace each operation or transaction, to verify claims, and to ascertain whether there has been compliance with law and regulations, and shall include the following information:

(i) The quantity of each formula of specially denatured spirits received, including the name and address of the consignor;

(ii) The quantity, by formula and code number, of specially denatured spirits used and each purpose for which used (if used in the manufacture of an article, the name of each such article and the quantity used in its manufacture);

(iii) The quantity of each article manufactured; and

(iv) The name and address of each person to whom articles are disposed and the quantity of each article disposed of. Where the total quantity of specially denatured spirits to be withdrawn during a calendar month does not exceed 25 gallons, such records need not be maintained.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.266 Records of reprocessing, repackaging, bottling, and resale of bay rum, hair lotions, skin lotions, and similar products.

Persons authorized under § 211.193 to reprocess products specified in § 211.191 which contain specially denatured alcohol shall keep records on Forms 133 and 134 or other records, in the same manner as manufacturers of such products under § 211.265. All persons who purchase such products in containers larger than one gallon for repackaging, bottling, or resale, shall also keep a record of the receipt, bottling or repackaging, and sales thereof on Form 134, or other records, in the manner prescribed in § 211.265: *Provided,* That on sales in quantities of less than 5 gallons the records may show only the totals disposed of daily: *And provided further,* That the records required by this section need not be maintained if the total quantity of such products received during a calendar month does not exceed 25 gallons.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.267 Invoices by users of specially denatured spirits and other persons.

All persons holding permits to use specially denatured spirits and all persons required to keep records under § 211.266 shall retain copies of invoices in such manner as to enable any internal revenue officer to readily examine them for the following transactions:

(a) Purchases of all essential oils, chemicals, and other materials used in manufacturing articles, including the name and address of the vendor, and the quantity;

(b) Purchases of articles containing specially denatured spirits for reprocessing, or purchases of such articles for bottling, repackaging, and/or resale, including the name and address of the vendor and the quantity; and

(c) Dispositions of all articles manufactured or received, including in each case the name and address of the person to whom sold or otherwise disposed of.

The assistant regional commissioner may, on application by the permittee, waive the requirements for the retention of invoices where the quantity sold to any person during a calendar month does not exceed 25 gallons, if he finds that such action will not hinder the effective administration of this part and will not jeopardize the revenue.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.268 Records of special industrial solvents and proprietary solvents.

Persons dealing in special industrial solvents and proprietary solvents produced with specially denatured alcohol shall keep detailed and accurate records of the receipt and disposition of such articles. Persons receiving such articles in bulk conveyances for use shall maintain complete records of the receipt and use thereof.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.269 Reports of persons recovering completely denatured alcohol and articles.

Persons who recover completely denatured alcohol or articles under an industrial use permit shall file monthly reports on Form 1482, properly modified, showing the quantity received, used in manufacture, and the quantity recovered and the disposition thereof. Where the recovered product is shipped to a distilled spirits plant for restoration or redenaturation, such information must also be shown on the Form 1482.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.270 Reports of bonded dealers.

Bonded dealers shall prepare monthly reports on Form 1478. Where a dealer handles both specially denatured alcohol and specially denatured rum, a separate report shall be prepared for each. Where shipments of specially denatured spirits are made for the account of a bonded dealer, as provided in § 211.137, Form 1478 of such dealer shall reflect the constructive receipt and shipment of the specially denatured spirits, followed by an explanatory notation showing the actual consignor and consignee. If specially denatured alcohol or rum is destroyed, special notation describing the transaction shall be made on the form. The dealer shall submit the original of the Form 1478 to the assistant regional commissioner not later than the 10th day of the succeeding month and retain the duplicate for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.271 Reports of users.

Persons who use specially denatured spirits or recover specially denatured spirits or articles shall prepare monthly reports on Form 1482: *Provided,* That in any instance where—

(a) The user is authorized to withdraw not over 660 gallons per annum, or

(b) The assistant regional commissioner, pursuant to application by the user who is authorized to withdraw more than 660 gallons per annum, finds that the permittee has an accounting system which will afford an adequate measure of control, and that the filing of an annual report will not interfere with the effective administration of the regulations in this part,

such permittees may submit an annual report on Form 1482, on a fiscal year basis, in lieu of monthly reports for such period. Notwithstanding the foregoing provisions, the assistant regional commissioner may at any time require the submission of monthly reports on Form 1482 by any permittee. Where both specially denatured alcohol and specially denatured rum are used, a separate report shall be prepared for each. The user shall submit the original of the Form 1482 to the assistant regional commissioner not later than the 10th day of the month succeeding the period for which the report is submitted and retain the duplicate for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.272 Time for making of entries.

Each transaction or operation required by this subpart to be shown in the records shall be entered therein on the day on which the operation or transaction occurs, except where supplemental or auxiliary records are prepared of, and concurrent with, the individual transaction or operation, from which the records are to be posted, the making of entries on the daily records may be deferred to not later than the close of the business day next succeeding the day on which such operation or transaction occurred.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.273 Filing and retention of records and copies of reports.

All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained for a period of not less than three years after the date of the report covering the transaction or operation, in such manner as to facilitate inspection by internal revenue officers: *Provided,* That the assistant regional commissioner may require such records to be kept for an additional period of not exceeding three years in any case where he deems such retention necessary or advisable. Records and reports shall be filed at the premises where the operations are conducted. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.274 Photographic copies of records.

Persons who desire to record, copy, or reproduce records required to be preserved under § 211.273, by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of such records, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application unless (1) the Director has approved that type of record for reproduction and the reproduction process to be employed, and (2) the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record", shall mean the record required by this part to be maintained or preserved, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

§ 211.275 Forms to be provided by users at own expense.

Forms 133 and 134 shall be provided by the users at their own expense and shall be in the form prescribed by the Director.

Subpart P—Samples

§ 211.281 Who may procure samples.

Permittees may procure samples of specially denatured spirits in advance of sales, for experimental purposes, or for the preparation of samples of finished products for submission with Form 1479-A. Permittees may use not more than 5 gallons during any calendar month of specially denatured spirits from their stock which has been withdrawn under their withdrawal permit, for experimental purposes or for preparation of samples of finished products. Applicants or prospective applicants for permits to use specially denatured spirits may procure samples of such spirits for experimental purposes or for use in the preparation of samples of finished products for submission with Form 1479-A. Such samples may be procured from the proprietor of a distilled spirits plant or a bonded dealer. Samples of 1 quart or less may be procured without a permit under § 211.283. Samples in excess of 1 quart shall not be furnished until such permit has been received.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.282 Size of samples.

Samples of specially denatured spirits withdrawn from distilled spirits plants or bonded dealers' premises for the purposes specified in § 211.281 shall be limited to amounts sufficient for such purposes and shall not exceed 5 gallons: *Provided,* That in exceptional cases, when the necessity for the withdrawal of a sample exceeding 5 gallons is clearly shown, the assistant regional commissioner may authorize the withdrawal thereof.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.283 Application and permit, Form 1512.

Applications for withdrawal of samples of specially denatured spirits in excess of one quart shall be made on Form 1512, in duplicate, to the assistant regional commissioner of the applicant's region. If Form 1512 is approved, the assistant regional commissioner shall return one copy to the applicant for forwarding to the vendor.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.284 Labels for samples.

All samples of specially denatured spirits withdrawn from a bonded dealer's premises shall be labeled as samples and shall show the name and address and permit number of the bonded dealer, the name and address of the person to whom the sample is to be sent, and the words "Specially Denatured Alcohol" or "Specially Denatured Rum," followed by the number of the formula and quantity.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 211.285 Form 1473.

Form 1473 shall be used as provided in § 211.148 to cover shipment of samples of a size in excess of one quart and shall show the number of the sample permit, Form 1512. In the case of samples for shipment to a permittee, the serial number of his permit shall be entered on Form 1473 immediately below the number of the sample permit, Form 1512.

[F.R. Doc. 60-5943; Filed, June 28, 1960; 8:45 a.m.]

[T.D. 6474]

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Miscellaneous Amendments

On February 5, 1960, a notice of proposed rule making to amend 26 CFR Part 212, with respect to formulas for denatured alcohol and specially denatured rum, was published in the FEDERAL REGISTER (25 F.R. 1037).

In accordance with the notice, interested persons were afforded an oppor-

tunity to submit written data, views, or arguments pertaining thereto. No comments or objections having been received, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the clarifying changes set forth below:

1. The definition of *"Essential oil"* in § 212.5 is changed to read as set forth below.

2. Amendatory paragraph 9(C) of the notice, to amend § 212.15(b), is changed to read as set forth below.

3. A new amendatory paragraph 45a is inserted immediately following paragraph 45, to amend § 212.90.

This Treasury decision shall become effective on July 1, 1960.

Because this Treasury decision is a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(Sec. 7805 I.R.C.; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 23, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to conform the language of this part to that of the Internal Revenue Code as amended by section 201 of the Excise Tax Technical Changes Act of 1958, 72 Stat. 1313, to provide a formula for the denaturation of rum, to authorize additional denaturants in certain formulas, to authorize additional uses of certain formulas, to delete certain formulations which will be incorporated in 26 CFR Part 211, and to include additional data in the table of weights and measures, 26 CFR Part 212 is amended as follows:

1. The title of this part is amended to read "Formulas for Denatured Alcohol and Rum".

2. Section 212.1 is amended to read as follows:

§ 212.1 Formulas for denatured spirits.

The regulations in this part relate to the formulation of completely denatured alcohol, specially denatured alcohol, and specially denatured rum; to the specifications for denaturants; and to the uses of denatured spirits. The procedural and substantive requirements relative to the production of denatured alcohol and specially denatured rum are prescribed in Part 201 of this chapter and those relative to the distribution and use of denatured alcohol and specially denatured rum are prescribed in Part 211 of this chapter.

3. Section 212.2 is amended to read as follows:

§ 212.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form, as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by this part, shall be given.

§ 212.3 [Amendment]

4. Section 212.3 is amended as follows:

(A) By striking the word "alcohol" the first two times it appears and inserting in lieu thereof the word "spirits";

(B) By inserting immediately preceding the words "formulas of" the words "denaturants or"; and

(C) By striking the words "Alcohol and Tobacco Tax Division" immediately following the word "Director".

5. A new § 212.4 is added to read as follows:

§ 212.4 Related regulations.

Regulations related to this part are listed below:

26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 211—Distribution and Use of Denatured Alcohol and Rum.

6. Section 212.5 is amended to read as follows:

§ 212.5 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol. Those spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced; the term does not include such spirits as whisky, brandy, rum, gin, vodka, or products of rectification.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

CFR. The Code of Federal Regulations.

C.D.A. Completely denatured alcohol.

Completely denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of this part.

Denaturant. A material authorized in accordance with this part, to be added to spirits in order to render such spirits unfit for beverage or internal human medicinal use.

Denatured spirits. Alcohol or rum to which denaturants have been added as provided in this part.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Essential oil. Any of the volatile odoriferous nature oils found in plants, which impart to such plants odor, and often other characteristic properties; also, imitations of such natural oils, and aromatic substances, and synthetic oils, which possess the denaturing characteristics of such natural oils.

Gallon. The liquid measure equivalent to the volume of 231 cubic inches.

I.R.C. The Internal Revenue Code of 1954, as amended.

Manufacturer or user. A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum, or to recover completely or specially denatured alcohol, specially denatured rum, or articles manufactured with denatured spirits.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Regional Commissioner. A regional commissioner of internal revenue.

Rum. Any spirits produced from sugar cane products and distilled at less than 190° proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

S.D.A. Specially denatured alcohol.

Specially denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of this part.

Specially denatured rum. Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of this part.

Spirits or distilled spirits. Alcohol or rum as defined in this part.

§ 212.10 [Amendment]

7. Section 212.10 is amended by adding at the end thereof the following: "Producers of completely denatured alcohol may be authorized to add a small quantity of an odorant, rust inhibitor, or dye to completely denatured alcohol. Any such addition may be made only on approval by the Director. Request for such approval shall be submitted to the Director in triplicate. Odorants or perfume materials may be added to denaturants authorized for completely denatured alcohol in amounts not greater than 1 part to 250, by weight: *Provided,* That such addition shall not decrease the denaturing value nor change the chemical or physical constants beyond the limits of the specifications for these denaturants as prescribed in subpart E, except as to odor. Proprietors of distilled spirits plants using denaturants to which such odorants or perfume materials have been added shall inform the Director of the names and properties of the odorants or perfume materials so used."

8. The heading of Subpart D, immediately following § 212.12, is amended to read as follows: "Subpart D—Specially Denatured Spirits Formulas and Authorized Uses".

§ 212.15 [Amendment]

9. Section 212.15 is amended as follows:

(A) By deleting from the first sentence of paragraph (a) the word "will" and inserting in lieu thereof the word "shall";

(B) By adding at the end of paragraph (a) a new sentence to read "Rum

for denaturation shall be of not less than 150 degrees of proof and shall be denatured in accordance with formula No. 4.";

(C) By changing the second sentence of paragraph (b) to read "Subject to the provisions of Chapter 51, I.R.C., Part 211 of this chapter, and this part, the Director may authorize, in his discretion, the use of any formula of specially denatured alcohol or specially denatured rum for uses not specifically authorized in this part."; and

(D) By deleting the period at the end of paragraph (b) and adding the words "or specially denatured rum.".

§ 212.16 [Amendment]

10. Section 212.16 is amended as follows:

(A) By deleting, in paragraph (b), the period following "Non-cellulose plastics" in Code No. 022, and adding a comma and the words "including resins.";

(B) By adding, in paragraph (b), two new code numbers to read:

354. Processing rosin.
355. Processing rubber (latex).

immediately following Code No. 353; and

(C) By deleting all of paragraphs (c), (d), and (e).

§ 212.17 [Amendment]

11. Section 212.17 is amended as follows:

(A) By deleting, in paragraph (b), the period following "Non-cellulose plastics" in Code No. 022, and by adding a comma and the words "including resins.";

(B) By adding, in paragraph (b), a new code number to read:

576. Organo-silicone products.

immediately following Code No. 575; and

(C) By deleting, in paragraph (c), the word "must" and inserting in lieu thereof the word "shall".

§ 212.19 [Amendment]

12. Paragraph (b) of § 212.19 is amended as follows:

(A) By changing the period to a comma following the words "Non-cellulose plastics" in Code No. 022 and adding the words "including resins.";

(B) By adding two new code numbers to read:

354. Processing rosin.
355. Processing rubber (latex).

immediately following Code No. 353; and

(C) By adding a new code number to read:

576. Organo-silicone products.

immediately following Code No. 575.

§ 212.21 [Amendment]

13. Paragraph (a) of § 212.21 is amended by striking the word "add", by changing the colon following it to a comma, and by adding the words "or to every 100 gallons of rum of not less than 150 degrees of proof, add:".

§ 212.23 [Amendment]

14. Paragraph (b) of § 212.23 is amended as follows:

(A) By changing the period following the words "Non-cellulose plastics" in Code No. 022 to a comma and by adding the words "including resins.";

(B) By adding a new code number to read:

036. Adhesives and binders.

immediately following Code No. 022; and

(C) By adding a new code number to read:

354. Processing rosin.

immediately following Code No. 352.

§ 212.24 [Amendment]

15. Paragraph (b) of § 212.24 is amended by changing the period following the words "Non-cellulose plastics" in Code No. 022 to a comma and by adding the words "including resins.".

§ 212.26 [Amendment]

15a. Paragraph (a) of § 212.26 is amended to read:

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of vinegar of not less than 90-grain strength or one hundred and fifty gallons of vinegar of not less than 60-grain strength.

§ 212.29 [Amendment]

16. Paragraph (b) of § 212.29 is amended by changing Code No. 430 to read:

430. Sterilizing and preserving solutions.

§ 212.30 [Amendment]

17. Section 212.30 is amended as follows:

(A) By changing Code No. 042 in paragraph (b) to read:

042. Solvents and thinners (other than proprietary solvents or special industrial solvents).

(B) By striking all of paragraph (c).

§ 212.32 [Amendment]

18. Section 212.32 is amended as follows:

(A) By adding a new code number to read:

113. Lotions and creams (hand, face, and body).

immediately following Code No. 111 in paragraph (b); and

(B) By striking all of paragraph (c).

§ 212.33 [Amendment]

19. Section 212.33 is amended by striking all of paragraphs (c), (d), and (e).

§ 212.34 [Amendment]

20. Section 212.34 is amended by striking all of paragraphs (c), (d), and (e).

§ 212.35 [Amendment]

21. Section 212.35 is amended by striking all of paragraphs (c) and (d).

§ 212.36 [Amendment]

22. Paragraph (b) of § 212.36 is amended by adding at the end thereof a new code number to read:

410. Disinfectants, insecticides, fungicides, and other biocides.

§ 212.37 [Amendment]

23. Section 212.37 is amended as follows:

(A) By adding at the end of paragraph (a) the words:

NOTE: The requirements of this formula may be met by adding one gallon of lavender oil, U.S.P., and 66.5 pounds of U.S.P. quality soap concentrate containing 25 percent water to 100 gallons of alcohol and, after mixing, by adding thereto 33.5 pounds of water and again mixing.

and

(B) By striking all of paragraphs (c) and (d).

§ 212.39 [Amendment]

24. Section 212.39 is amended as follows:

(A) By striking the phrase, ", Alcohol and Tobacco Tax Division," wherever it appears; and

(B) By striking the word "will" from the last sentence of paragraph (a) and inserting in lieu thereof the word "shall".

§ 212.40 [Amendment]

25. Paragraph (b) of § 212.40 is amended by changing the period following the words "Non-cellulose plastics" in Code No. 022 to a comma and by adding the words "including resins."

§ 212.42 [Amendment]

26. Paragraph (b) of § 212.42 is amended as follows:

(A) By adding a new code number to read:

034. Cellulose intermediates and industrial collodions.

immediately following Code No. 031;

(B) By adding a new code number to read:

311. Ethyl cellulose compounds (dehydration).

immediately following Code No. 241; and

(C) By adding a new code number to read:

344. Processing medicinal chemicals, including alkaloids.

immediately following Code No. 343.

§ 212.43 [Amendment]

27. Section 212.43 is amended as follows:

(A) By inserting immediately following the words "Thirty pounds of" in paragraph (a), the words "methyl violet or"; and

(B) By striking the word "must" in the second sentence of paragraph (c) and inserting in lieu thereof the word "shall".

§ 212.45 [Amendment]

28. Paragraph (b) of § 212.45 is amended as follows:

(A) By adding a new code number to read:

512. Acetic acid.

immediately following Code No. 511; and

(B) By adding a new code number to read:

910. Animal feed supplements.

immediately following Code No. 523.

29. Section 212.46 is amended to read as follows:

§ 212.46 Formula No. 36.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of ammonia, aqueous, 27 to 30 percent by weight; three gallons of strong ammonia solution, U.S.P.; 17.5 pounds of caustic soda, liquid grade, containing 50 percent sodium hydroxide by weight; or 12.0 pounds of caustic soda, liquid grade, containing 73 percent sodium hydroxide by weight.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U.S.P. or N.F.).
450. Cleaning solutions (including household detergents).

(2) As a raw material:

530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
579. Other chemicals.

§ 212.47 [Amendment]

30. Section 212.47 is amended by striking therefrom all of paragraph (c).

§ 212.48 [Amendment]

31. Section 212.48 is amended as follows:

(A) By amending the paragraph following the listing of oils and substances to read as follows:

Where it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, application may be made to use another essential oil or substance having denaturing properties satisfactory to the Director. In such case the applicant shall furnish the Director with specifications and duplicate 8 ounce samples for examination.

(B) By adding, in paragraph (b), a new code number to read:

112. Bay rum.

immediately following Code No. 111;

(C) By adding, in paragraph (b), a new code number to read:

349. Miscellaneous drug processing (including manufacture of pills).

immediately following Code No. 249; and

(D) By striking all of paragraph (c).

§ 212.51 [Amendment]

32. Section 212.51 is amended as follows:

(A) By striking all of the last sentence of paragraph (a) (2), which begins "The denaturants selected"; and

(B) By adding to paragraph (b) a new code number to read:

210. External pharmaceuticals (not U.S.P. or N.F.).

immediately following Code No. 132.

§ 212.52 [Amendment]

33. Section 212.52 is amended as follows:

(A) By adding a new code number in paragraph (b) to read:

113. Lotions and creams (hand, face, and body).

immediately following Code No. 112; and

(B) By striking all of paragraph (c).

§ 212.53 [Amendment]

34. Section 212.53 is amended as follows:

(A) By striking from paragraph (a) all of the last sentence, which begins "The denaturant selected"; and

(B) By striking all of paragraph (c).

§ 212.54 [Amendment]

35. Section 212.54 is amended by striking therefrom all of paragraph (c).

§ 212.55 [Amendment]

36. Section 212.55 is amended by striking therefrom all of paragraph (c).

§ 212.56 [Amendment]

37. Section 212.56 is amended as follows:

(A) By striking from paragraph (a) all of the last sentence, which begins "The denaturant selected"; and

(B) By striking all of paragraph (c).

§ 212.57 [Amendment]

38. Section 212.57 is amended as follows:

(A) By amending paragraph (a) to read:

(a) *Formula.* To every 100 gallons of alcohol add:

One and one-half avoirdupois ounces of brucine (alkaloid), brucine sulfate (N.F. IX), or quassin, and ⅛ gallon of *tert.*-butyl alcohol.

(B) By amending paragraph (b) by adding a new code number to read:

051. Polishes.

immediately preceding Code No. 111; and

(C) By striking all of paragraph (c).

§ 212.58 [Amendment]

39. Section 212.58 is amended by striking therefrom all of paragraph (c).

40. A new § 212.68a is added, immediately following § 212.68, to read as follows:

§ 212.68a Ammonia, aqueous.

Alkalinity. Strongly alkaline to litmus.

Ammonia (NH_3) content. 27 to 30 percent by weight. Accurately weigh a glass-stoppered flask containing 25 ml. of water, add about 2 ml. of the sample, stopper, and weigh again. Add methyl red indicator, and titrate with 1N sulfuric acid. Each ml. of 1N sulfuric acid is equivalent to 17.03 mg. of NH_3.

Color. Colorless liquid.

Non-volatile residue. 2 mg. maximum. Dilute a portion of the sample with 1½ times its volume of distilled water. Evaporate 10 ml. of this product to dryness in a tared platinum or porcelain dish. Dry residue at 105° C. for one hour, cool and weigh.

Odor. Characteristic (exceedingly pungent).

Specific gravity at 20°/4° C. 0.9010 to 0.8920.

41. A new § 212.73a is added, immediately following § 212.73, to read as follows:

§ 212.73a Caustic soda, liquid.

The liquid caustic soda may consist of either 50 percent or 73 percent by weight sodium hydroxide in aqueous solution. The amount of caustic soda used shall be such that each 100 gallons of alcohol will contain not less than 8.76 pounds of sodium hydroxide, anhydrous basis.

Color. A 2 percent solution of the sodium hydroxide in water shall be water-white.

Assay. The sodium hydroxide content of the caustic soda solution shall be determined by the following procedure:

Accurately weigh two grams of liquid caustic soda into a 100 ml. volumetric flask, dissolve, and dilute to the mark with distilled water at room temperature. Transfer a 25 ml. aliquot of the solution to a titration flask, add 10 ml. of 1 percent barium chloride solution, 0.2 ml. of 1 percent phenolphthalein indicator, and 50 ml. of distilled water. Titrate with 0.25 normal hydrochloric acid to the disappearance of the pink color. Not less than 25 ml. of the hydrochloric acid shall be required to neutralize the sample of diluted 50 percent caustic soda, and not less than 36.5 ml. of the hydrochloric acid shall be required to neutralize the sample of diluted 73 percent caustic soda.

1 ml. of 0.25 N hydrochloric acid equals 0.01 g. of sodium hydroxide (anhydrous).

42. Section 212.77 is amended to read as follows:

§ 212.77 Diethyl phthalate.

Refractive index at 25° C. 1.497–1.502.

Color. Colorless.

Odor. Practically odorless.

Solubility. Soluble in 20 parts of 60 percent alcohol.

Specific gravity at 25°/25° C. 1.115 to 1.118.

Ester content (as diethyl phthalate). Not less than 99 percent by weight.

NOTE: The sample taken for ester determination should be approximately 0.8 gram. The number of ml. of 0.5 N potassium hydroxide used in saponification multiplied by 0.05555 indicates the grams of ester in the sample taken for assay.

43. Section 212.78 is amended to read as follows:

§ 212.78 Ethyl acetate.

(a) *85 percent ester.*

Acidity (as acetic acid). Not more than 0.015 percent by weight.

Color. Colorless.

Odor. Characteristic odor.

Ester content. Not less than 85 percent by weight.

Specific gravity at 20°/20° C. Not less than 0.882.

Distillation range (applicable A.S.T.M. method). When 100 ml. of ethyl acetate are distilled by this method, none shall distill below 70° C.; not more than 10 ml. shall distill below 72° C., and none above 80° C.

(b) *100 percent ester.*

Acidity (as acetic acid). Not more than 0.010 percent by weight.

Color. Colorless.

Odor. Characteristic odor.

Ester content. Not less than 99 percent by weight.

Specific gravity at 20°/20° C. Not less than 0.899.

Distillation range (applicable A.S.T.M. method). When 100 ml. of ethyl acetate are distilled by this method, not more than 2 ml. shall distill below 75° C., and none above 80° C. (760 mm.).

44. A new § 212.83a is added, immediately following § 212.83, to read as follows:

§ 212.83a Methyl violet.

Methyl violet (Methylrosaniline Chloride) occurs as a dark green powder or crystals having metallic luster.

Arsenic content. Not more than 15 ppm. (as As_2O_3) as determined by the applicable U.S.P. method.

Identification test. Sprinkle about 1 mg. of sample on 1 ml. of sulfuric acid; it dissolves in the acid with an orange or brown-red color. When this solution is diluted cautiously with water, the color changes to brown, then to green, and finally to blue.

Insoluble matter. Not to exceed 0.25 percent when tested by the following method: Transfer 1.0 gram of sample to a 150 ml. beaker containing 50 ml. of alcohol. Stir to complete solution and filter through a weighed Whatman No. 4 filter paper. Wash residue with small amounts of alcohol totaling about 50 ml. Dry paper in oven for 30 minutes at 80° C. and weigh. Calculate insoluble material.

45. A new § 212.87a is added, immediately following § 212.87, to read as follows:

§ 212.87a Quassin.

Quassin is the bitter principle of quassia wood (occuring as a mixture of two isomeric forms). It shall be a good commercial grade of purified amorphous quassin, standardized as to bitterness.

Bitterness. An aqueous solution of quassin shall be distinctly bitter at a 1 to 250,000 dilution. To test: Dissolve 0.1 g. of quassin in 100 ml. of 95 percent alcohol, then dilute 4 ml. of the solution to 1,000 ml. with distilled water, mix well and taste.

Identification test. Dissolve about 0.5 gram quassin in 10 ml. of 95 percent alcohol and filter. To 5 ml. of the filtrate, add 5 ml. of concentrated hydrochloric acid and 1 mg. phloroglucinol and mix well. A red color develops.

Optical assay. When 1 gram of quassin (in solution in a small amount of 95 percent alcohol) is dissolved in 10,000 ml. of water, the absorbance of the solution in a 1 cm. cell at a wavelength of 258 millimicrons shall be not less than 0.400.

Solubility. When 0.5 gram of quassin is added to 25 ml. of 190 proof alcohol, it shall dissolve completely.

§ 212.90 [Amendment]

45a. Section 212.90 is amended by striking the opening sentence, immediately following the words *"arsenic content."*, and by inserting in lieu thereof a new sentence to read "Not more than 1.4 parts per million as determined by the Gutzeit Method."

§ 212.94 [Amendment]

46. Section 212.94 is amended by striking the parenthetical expression "(or SDA No. 30)" in the two places where it appears and by inserting in lieu thereof the parenthetical expression "(or SDA No. 3-A or No. 30)".

46a. Section 212.95 is amended to read:

§ 212.95 Vinegar.

(a) *Vinegar, 90-grain.*

Acidity (as acetic acid). 9.0 percent by weight, minimum.

(b) *Vinegar, 60-grain.*

Acidity (as acetic acid). 6.0 percent by weight, minimum.

§ 212.96 [Amendment]

47. Section 212.96 is amended by striking the word "acetone" from the second sentence, which begins "It may be a blend of", and from the first sentence under the heading "Pyroligneous bodies", and by inserting in lieu thereof the word "ketone".

48. Subpart F is amended to read as follows:

Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

§ 212.105 Listing of products and processes using specially denatured alcohol and rum and formulas authorized therefor.

This section gives a listing, alphabetically by product or process, of formulas of specially denatured alcohol authorized for use in such products or processes, and a listing of the code numbers assigned thereto. Specially denatured rum, as well as specially denatured alcohol, may be used in tobacco sprays and flavors, Code No. 460, under Formula No. 4.

USES OF SPECIALLY DENATURED ALCOHOL [1]

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2-B, 29.
Acetic acid	512	1, 2-B, 29, 35-A.
Adhesives and binders	036	1, 3-A, 12-A, 23-A, 30.
Aldehydes, miscellaneous	552	1, 2-B, 29.
Alkaloids (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Animal feed supplement	910	35-A.
Antibiotics (processing)	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Antifreeze, proprietary	760	1.
Antiseptic, bathing solution (restricted).	220	46.
Antiseptic solutions, U.S.P. or N.F.	244	37, 38-B, 38-F.
Bath preparations	142	1, 3-A, 3-B, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A.
Bay rum	112	23-A, 37, 38-B, 39, 39-B, 39-D, 40, 40-A.
Biocides, miscellaneous	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Blood and blood products (processing).	345	1, 3-A, 12-A, 13-A, 23-A, 30.
Brake fluids	720	1, 3-A.
Candy glazes	015	13-A, 23-A, 35, 35-A, 45.
Cellulose coatings	011	1, 23-A.
Cellulose compounds (dehydration).	311	1, 2-B, 3-A, 32.
Cellulose intermediates	034	1, 3-A, 13-A, 19, 23-A, 32.
Chemicals (miscellaneous)	579	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 20, 29, 30, 32, 36.
Cleaning solutions	450	1, 3-A, 23-A, 23-H, 30, 36, 39-B, 40.
Coatings, miscellaneous	016	1, 23-A.
Collodions, industrial	034	1, 3-A, 13-A, 19, 23-A, 32.
Collodions, U.S.P. or N.F.	241	13-A, 19, 32.
Colognes	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Crude drugs (processing)	341	1, 2-B, 3-A, 23-A, 30.
Cutting oils	730	1, 3-A.

See footnotes at end of table.

USES OF SPECIALLY DENATURED ALCOHOL [1]—Continued

Product or process	Code No.	Formulas authorized
Dehydration products, miscellaneous.	315	1, 2-B, 3-A.
Dentifrices	131	31-A, 37, 38-B, 38-C, 38-D.
Deodorants (body)	114	23-A, 38-B, 39-B, 39-C, 40, 40-A.
Detergents, household	450	1, 3-A, 23-A, 23-H, 30, 36, 39-B, 40.
Detergents, industrial	440	1, 3-A, 23-A, 30.
Detonators	574	1, 6-B.
Disinfectants	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Drugs and medicinal chemicals.	575	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 30, 32.
Drugs, miscellaneous (processing).	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A, 38-B.
Duplicating fluids	485	1, 3-A, 30.
Dyes and intermediates	540	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Dyes and intermediates (processing).	351	1, 2-B, 3-A, 12-A.
Dye solutions, miscellaneous.	482	1, 3-A, 23-A, 30, 39-C, 40.
Embalming fluids, etc	420	1, 3-A, 22, 23-A.
Esters, ethyl (miscellaneous).	523	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 32, 35-A.
Ether, ethyl	561	1, 2-B, 13-A, 29, 32.
Ethers, miscellaneous	562	1, 2-B, 13-A, 29, 32.
Ethyl acetate	521	1, 2-B, 29, 35-A.
Ethylamines (rubber processing).	530	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Ethyl chloride	522	1, 2-B, 29, 32.
Ethylene dibromide	571	1, 2-B, 29, 32.
Ethylene gas	572	1, 2-B, 29, 32.
Explosives	033	1, 2-B, 3-A.
External pharmaceuticals (not U.S.P. or N.F.).	210	23-A, 23-F, 23-H, 27-A, 27-B, 36, 37, 38-B, 38-F, 39-B, 40, 40-A.
External pharmaceuticals, miscellaneous (U.S.P. or N.F.).	249	23-A, 25, 25-A, 38-B.
Fluid uses, miscellaneous	750	1, 3-A, 23-A, 30.
Food products, miscellaneous (processing).	332	1, 2-B, 3-A, 13-A, 23-A, 30, 32, 35-A.
Fuel uses, miscellaneous	630	1, 3-A, 28-A.
Fuels, airplane and supplementary.	612	1, 3-A, 28-A.
Fuels, automobile and supplementary.	611	1, 3-A, 28-A.
Fuels, proprietary heating	620	1, 3-A, 28-A.
Fuels, rocket and jet	613	1, 3-A, 28-A.
Fungicides	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Glandular products (processing).	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations.	111	3-B, 23-A, 23-F, 23-H, 37, 38-B, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A.
Hormones (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Incense	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Inks	052	1, 3-A, 13-A, 23-A, 30, 32, 33.
Insecticides	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Iodine solutions (including U.S.P. and N.F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale).	810	3-A, 30.
Laboratory uses [2]	810	3-A, 30.
Lacquer thinners	042	1, 23-A.
Liniments (U.S.P. or N.F.)	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand).	113	23-A, 23-H, 31-A, 37, 38-B, 39, 39-B, 39-C, 40, 40-A.
Medicinal chemicals (processing).	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Miscellaneous chemicals (processing).	358	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous products (processing).	359	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Mouth washes	132	37, 38-B, 38-C, 38-D, 38-F.
Organo-silicone products	576	2-B, 3-A.
Pectin (processing)	331	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Perfume materials (processing).	352	1, 2-B, 3-A, 12-A, 13-A, 30.

USES OF SPECIALLY DENATURED ALCOHOL [1]—Continued

Product or process	Code No.	Formulas authorized
Perfumes and perfume tinctures.	121	38-B, 39, 39-B, 39-C, 40, 40-A.
Petroleum products	320	1, 2-B, 3-A.
Photoengraving dyes and solutions.	481	1, 3-A, 13-A, 30, 32.
Photographic chemicals (processing).	353	1, 2-B, 3-A, 13-A, 30.
Photographic film and emulsions.	031	1, 2-B, 3-A, 13-A, 19, 30, 32.
Pill and tablet manufacture.	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A, 38-B.
Plastics, cellulose	021	1, 2-B, 3-A, 12-A, 13-A, 30.
Plastics, non-cellulose (including resins).	022	1, 2-B, 3-A, 12-A, 13-A, 30.
Polishes	051	1, 3-A, 30, 40.
Preserving solutions	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Proprietary solvents (standard formulas).	041	1.
Refrigerating uses	740	1, 3-A, 23-A, 30.
Resin coatings, natural	014	1, 23-A.
Resin coatings, synthetic	012	1, 23-A.
Room deodorants	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Rosin (processing)	354	1, 3-A, 12-A.
Rotogravure dyes and solutions.	481	1, 3-A, 13-A, 30, 32.
Rubber (latex) (processing)	355	1, 3-A.
Rubber, synthetic	580	29, 32.
Rubbing alcohol compound.	220	23-H.
Scientific instruments	710	1, 3-A.
Shampoos	141	1, 3-A, 3-B, 23-A, 27-B, 31-A, 36, 38-B, 39-A, 39-B, 40, 40-A.
Shellac coatings	013	1, 23-A.
Soaps, industrial	440	1, 3-A, 23-A, 30.
Soaps, toilet	142	1, 3-A, 3-B, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A.
Sodium ethylate, anhydrous (restricted)	524	2-B, 2-C.
Sodium hydrosulfite (dehydration).	312	1, 2-B, 3-A.
Soldering flux	035	1, 3-A, 23-A, 30.
Solutions, miscellaneous	485	1, 3-A, 23-A, 30, 39-B, 40, 40-A.
Solvents and thinners, miscellaneous.	042	1, 23-A.
Solvents, special (restricted sale).	043	1.
Stains (wood)	053	1, 3-A, 23-A, 30.
Sterilizing solutions	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Theater sprays	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Tobacco sprays and flavors	460	4.
Toilet waters	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Transparent sheetings	032	1, 2-B, 3-A, 13-A, 23-A.
Unclassified uses [3]	900	1, 3-A.
Vaccine (processing)	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Vinegar	511	18; 35-A.
Vitamins (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Xanthates	573	1, 2-B, 2-C, 29.
Yeast (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.

[1] Other products or processes may be authorized by the Director under § 212.15(b).

[2] Formula No. 3-A and Formula No. 30 are authorized for general laboratory purposes under Code 810. Other formulas may be authorized for laboratory use in connection with specific product development.

[3] Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on Form 1479-A.

49. Subpart G is amended to read as follows:

Subpart G—Denaturants Authorized for Denatured Spirits

§ 212.110 Listing of denaturants authorized for denatured spirits.

Following is an alphabetical listing of denaturants authorized for use in denatured spirits:

Denaturants Authorized for Completely Denatured Alcohol (C.D.A.) Specially Denatured Alcohol (S.D.A.), and Specially Denatured Rum (S.D.R.)

Acetaldehyde	S.D.A. 29.
Acetone N.F.	S.D.A. 23-A; 23-H.
Acetaldol	C.D.A. 18.
Almond oil, bitter N.F.	S.D.A. 38-B.
Ammonia, aqueous	S.D.A. 36.
Ammonia solution, strong U.S.P.	S.D.A. 36.
Anethole U.S.P.	S.D.A. 38-B.
Anise oil U.S.P.	S.D.A. 38-B.
Bay oil (myrcia oil) N.F.	S.D.A. 23-F; 38-B; 39-D.
Benzaldehyde N.F.	S.D.A. 38-B.
Benzine	S.D.A. 2-B; 2-C; 12-A.
Bergamot oil N.F.	S.D.A. 23-F; 38-B.
Bone oil (dipple's oil)	S.D.A. 17.
Boric acid U.S.P.	S.D.A. 38-F.
Brucine alkaloid	S.D.A. 40.
Brucine sulfate N.F. IX	S.D.A. 40.
n-Butyl alcohol	S.D.A. 44.
tert.-Butyl alcohol	S.D.A. 39; 39-A; 39-B; 40; 40-A.
Camphor U.S.P.	S.D.A. 27; 27-A; 38-B.
Caustic soda, liquid	S.D.A. 36.
Cedar leaf oil U.S.P. XIII	S.D.A. 38-B.
Chloroform	S.D.A. 20.
Chlorothymol N.F.	S.D.A. 38-B; 38-F.
Cinchonidine	S.D.A. 39-A.
Cinchonidine sulfate N.F. IX	S.D.A. 39-A.
Cinnamic aldehyde (cinnamaldehyde) N.F. IX	S.D.A. 38-B.
Cinnamon oil (cassia oil) U.S.P.	S.D.A. 38-B.
Citronella oil, natural	S.D.A. 38-B.
Clove oil U.S.P.	S.D.A. 27-A; 38-B.
Coal tar U.S.P.	S.D.A. 38-B.
Diethyl phthalate	S.D.A. 39-B; 39-C.
Ethyl acetate	S.D.A. 35; 35-A.
Ethyl ether	S.D.A. 13-A; 19; 32.
Eucalyptol U.S.P.	S.D.A. 37; 38-B.
Eucalyptus oil N.F.	S.D.A. 38-B.
Eugenol U.S.P.	S.D.A. 38-B.
Formaldehyde solution U.S.P.	S.D.A. 22; 38-C; 38-D.
Gasoline	S.D.A. 28-A.
Glycerol U.S.P.	S.D.A. 31-A.
Guaiacol N.F.	S.D.A. 38-B.
Iodine U.S.P.	S.D.A. 25; 25-A.
Kerosene	C.D.A. 18; 19.
Lavender oil U.S.P.	S.D.A. 27-B; 38-B.
Menthol, U.S.P.	S.D.A. 37; 38-B; 38-C; 38-D; 38-F.
Mercuric iodide, red N.F.	S.D.A. 42.
Methyl alcohol	S.D.A. 3-A; 30.
Methylene blue N.F.	S.D.A. 4; S.D.R. 4.
Methyl isobutyl ketone	C.D.A. 18; 19; S.D.A. 23-H.
Methyl violet (methylrosaniline chloride)	S.D.A. 33.
Methyl violet (methylrosaniline chloride) U.S.P.	S.D.A. 33.
Mustard oil, volatile (allyl isothiocyanate), U.S.P. XII	S.D.A. 38-B.
Nicotine solution	S.D.A. 4; S.D.R. 4.
Peppermint oil U.S.P.	S.D.A. 38-B.
Phenol U.S.P.	S.D.A. 38-B; 46.
Phenyl mercuric benzoate	S.D.A. 42.
Phenyl mercuric chloride N.F. IX	S.D.A. 42.
Phenyl mercuric nitrate N.F.	S.D.A. 42.
Phenyl salicylate (salol) N.F.	S.D.A. 38-B.
Pine needle oil, dwarf N.F.	S.D.A. 38-B.
Pine oil, N.F.	S.D.A. 38-B.
Pine tar, N.F.	S.D.A. 3-B.
Potassium iodide, U.S.P.	S.D.A. 25; 25-A; 42.
Pyridine bases	S.D.A. 6-B.
Pyronate	C.D.A. 18.
Quassia, fluid extract, N.F. VII	S.D.A. 39.
Quassin	S.D.A. 40.
Quinine N.F.	S.D.A. 39-A.
Quinine bisulfate N.F.	S.D.A. 39-A; 39-D.
Quinine hydrochloride U.S.P.	S.D.A. 39-A.
Quinine sulfate U.S.P.	S.D.A. 39-D.
Resorcin U.S.P.	S.D.A. 23-F.
Rosemary oil N.F.	S.D.A. 27; 38-B.
Rubber hydrocarbon solvent	S.D.A. 2-B; 2-C.
Safrol	S.D.A. 38-B.
Salicylic acid U.S.P.	S.D.A. 23-F; 39.
Sassafras oil N.F.	S.D.A. 38-B.
Shellac (refined)	S.D.A. 45.
Soap, hard N.F.	S.D.A. 31-A.
Soap, medicinal soft U.S.P.	S.D.A. 27-B.
Sodium iodide, U.S.P.	S.D.A. 25; 25-A.
Sodium, metallic	S.D.A. 2-C.
Sodium salicylate U.S.P.	S.D.A. 39; 39-D.

Denaturants Authorized for Completely Denatured Alcohol (C.D.A.) Specially Denatured Alcohol (S.D.A.), and Specially Denatureed Rum (S.D.R.)—Continued

Spearmint oil N.F	S.D.A. 38–B.
Spearmint oil, terpeneless	S.D.A. 38–B.
Spike lavender oil, natural	S.D.A. 38–B.
Storax U.S.P	S.D.A. 38–B.
Sucrose octa-acetate	S.D.A. 40–A.
Thimerosal N.F	S.D.A. 42.
Thyme oil N.F	S.D.A. 38–B.
Thymol N.F	S.D.A. 37; 38–B; 38–F.
Tolu balsam U.S.P	S.D.A. 38–B.
Turpentine oil N.F	S.D.A. 38–B.
Vinegar	S.D.A. 18.
Wintergreen oil (methyl salicylate) U.S.P	S.D.A. 38–B; 46.
Wood alcohol	S.D.A. 1.

§ 212.115 [Amendment]

50. The table of weights and specific gravities contained in § 212.115, and the footnotes thereto, are amended to read as follows:

Weights and Specific Gravities of Specially Denatured Alcohol [1]

[Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants. Values for 190° proof determined experimentally by National Bureau of Standards. Other values calculated from these gravities.]

SDA Formula No.	Finished formula (gal.)	190° proof		192° proof		200° proof	
		Wt./gal. in air (pounds)	Sp. gr. in vac.	Wt./gal. in air (pounds)	Sp. gr. in vac.	Wt./gal. in air (pounds)	Sp. gr. in vac.
1	105.0	6.788	0.8153	6.757	0.8115	6.612	0.7942
2–B	100.5	6.795	.8161	6.762	.8121	6.612	.7941
2–C	99.5					6.959	.8358
3–A	105.0	6.785	.8149	6.753	.8111	6.609	.7938
3–B	101.0	6.810	.8179	6.777	.8140	6.627	.7960
4	100.8	6.823	.8195	6.791	.8156	6.640	.7975
6–B	100.5	6.801	.8169	6.768	.8129	6.618	.7949
12–A	105.0	6.820	.8192	6.789	.8154	6.645	.7981
13–A	109.7	6.740	.8095	6.710	.8059	6.572	.7893
17	100.05	6.795	.8161	6.762	.8121	6.611	.7940
18	195.4	7.802	.9369	7.785	.9349	7.708	.9256
19	197.9	6.468	.7769	6.452	.7749	6.375	.7657
20	104.9	7.062	.8481	7.030	.8443	6.886	.8270
22	109.5	7.037	.8451	7.007	.8415	6.868	.8249
23–A	109.9	6.788	.8153	6.758	.8117	6.621	.7952
23–F	101.5	6.808	.8177	6.776	.8138	6.627	.7959
23–H	109.45	6.785	.8149	6.755	.8113	6.617	.7947
25	100.9	7.080	.8502	7.047	.8463	6.897	.8283
25 [2]	100.9	7.083	.8506	7.050	.8467	6.900	.8287
25–A	102.5	7.119	.8550	7.087	.8511	6.939	.8334
25–A [2]	102.5	7.117	.8548	7.085	.8509	6.938	.8332
27	104.7	6.846	.8222	6.814	.8184	6.670	.8011
27–A	105.2	6.867	.8247	6.835	.8209	6.692	.8037
27–B	112.0	7.027	.8439	6.998	.8404	6.862	.8241
28–A	101.0	6.786	.8150	6.753	.8111	6.603	.7931
29	101.0	6.822	.8194	6.790	.8155	6.640	.7975
30	110.0	6.785	.8149	6.755	.8113	6.617	.7948
31–A	111.5	7.167	.8608	7.138	.8572	7.002	.8409
32	104.8	6.769	.8130	6.737	.8092	6.593	.7919
33	102.9	6.893	.8279	6.861	.8240	6.714	.8064
35 [3]	135.0	6.956	.8355	6.933	.8326	6.820	.8191
35 [4]	129.75	6.963	.8362	6.937	.8331	6.820	.8191
35–A [3]	105.0	6.817	.8187	6.785	.8149	6.641	.7976
35–A [4]	104.25	6.826	.8197	6.794	.8159	6.649	.7985
36	102.7	6.837	.8211	6.804	.8172	6.657	.7995
37	100.9	6.794	.8160	6.762	.8121	6.612	.7941
38–B	101.3	6.804	.8172	6.772	.8133	6.622	.7953
38–C	102.6	6.832	.8206	6.800	.8167	6.652	.7990
38–D	102.7	6.863	.8242	6.830	.8203	6.682	.8026
38–F	100.9	6.828	.8201	6.796	.8162	6.646	.7982
39	102.0	6.867	.8247	6.834	.8208	6.686	.8030
39–A	100.5	6.810	.8179	6.777	.8139	6.627	.7959
39–B	102.7	6.857	.8236	6.825	.8197	6.677	.8020
39–C	101.0	6.819	.8189	6.792	.8157	6.642	.7977
39–D	101.3	6.819	.8190	6.787	.8151	6.637	.7971
40	100.1	6.795	.8161	6.762	.8121	6.611	.7940
40–A	100.5	6.815	.8185	6.782	.8145	6.632	.7965
42	100.0	6.797	.8164	6.764	.8124	6.613	.7943
44	110.0	6.790	.8155	6.760	.8119	6.622	.7954
45	129.8	7.545	.9061	7.520	.9030	7.403	.8890
46	100.1	6.805	.8173	6.772	.8133	6.621	.7952

[1] Where alternate denaturants are permitted, the above weights are based on the first denaturant or combination listed in the formula.
[2] With sodium iodide.
[3] Calculated on the basis of 85 percent ethyl acetate.
[4] Calculated on the basis of 100 percent ethyl acetate

[F.R. Doc. 60–5942; Filed, June 28, 1960; 8:45 a.m.]

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

On February 5, 1960, a notice of proposed rule making proposing new regulations in 26 CFR Part 213, with respect to the distribution and use of tax-free alcohol, was published in the FEDERAL REGISTER (25 F.R. 1043).

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and in order to make certain clarifying, liberalizing, and editorial changes, the regulations as so published are hereby adopted subject to the changes set forth below:

1. The first sentence of amendatory paragraph 3 of the Preamble is changed to read: "The regulations in this part shall become effective on July 1, 1960."

2. Section 213.11 is changed by redefining *"Executed under penalties of perjury"*.

3. Section 213.22 is changed to read as set forth below.

4. Sections 213.29 to 213.31, inclusive, are renumbered as §§ 213.30 to 213.32, respectively, and a new § 213.29 is inserted immediately following § 213.28.

5. Newly designated § 213.30 is changed as follows:

(A) By striking from the first sentence the word "entirely"; and

(B) By changing the last sentence to read "When containers of tax-free alcohol have been emptied, the marks and brands shall be effaced or obliterated."

6. Newly designated § 213.31 is changed.

7. The proviso of § 213.43 is changed to read *"Provided,* That such waiver shall not include information required under paragraphs (a), (b), (c), and (e), and, insofar as it relates to recovery, paragraph (f), of § 213.42."

8. Paragraph (a) of § 213.55 is changed by inserting, immediately after the words "such a permit," the words "or of the operations authorized thereby,".

9. Section 213.71 is changed by striking, in the first sentence, the words "covered by an industrial use permit on Form 1447", and by inserting in lieu thereof the words "authorized to be withdrawn".

10. Section 213.101 is changed to read as set forth below.

11. Section 213.109 is changed as follows:

(A) By striking from the second sentence the words "a period of one year," and by inserting in lieu thereof the words "the term of the permit,";

(B) By striking, from the third sentence, the words "during a year"; and

(C) By changing the period at the end of the fourth sentence, which begins "Where the applicant desires", to a colon and adding the words *"Provided,* That where one-sixth of the applicant's annual requirements is less than the equivalent of one drum (55 wine gallons), he may show as his monthly allowance a quantity not to exceed the equivalent of one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 213.71."

12. Section 213.110 is changed by striking therefrom all of the last sentence, which begins "Withdrawal permits shall be".

13. The last sentence of § 213.116 is changed to read "On receipt of tax-free alcohol by the permittee, he shall ascertain and account for any losses in transit in accordance with Subpart J of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant

regional commissioner of his region, and file the copy in chronological order, by months."

14. Section 213.134 is changed by striking the words "two copies" immediately following the words "on the day of shipment, forward" and by inserting in lieu thereof the words "the original and one copy".

15. Section 213.144 is changed to read as set forth below.

16. Section 213.152 is changed by striking from the second sentence, which begins "Except as provided", the words "5 proof gallons or more," and by inserting in lieu thereof the words "more than 5 proof gallons,".

17. Section 213.154 is amended as follows:

(A) By striking, from the first sentence, the words "filed on letter size paper" and by inserting in lieu thereof the words "filed, on Form 2635,";

(B) By changing paragraph (d).

(C) By striking the semicolon and the word "and" at the end of paragraph (e) and inserting in lieu thereof a period; and

(D) By striking all of paragraph (f) and the first sentence following paragraph (f).

18. Section 213.165 is changed by striking the words "two copies" immediately following "on the day of shipment, forward" and by inserting in lieu thereof the words "the original and one copy".

19. Section 213.176 is changed.

Because these regulations are a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall become effective on July 1, 1960.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 23, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to provide separate regulations covering the distribution and use of tax-free alcohol, to further implement certain provisions of Title II of Public Law 85–859 (72 Stat. 1313), and to liberalize certain requirements with respect of the distribution and use of tax-free alcohol, the following regulations are hereby prescribed as Part 213 of Title 26 of the Code of Federal Regulations:

Preamble. 1. The regulations in this part shall supersede regulations in Part 182 of this chapter to the extent that such part relates to the distribution and use of tax-free alcohol, and shall supersede in their entirety regulations in Subpart N of Part 170 of this chapter.

2. These regulations shall not affect any act done (except as provided in paragraph 3) or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on July 1, 1960. Any act done prior to such date to qualify a permittee under this part, or otherwise provide for orderly administration of this part, shall be subject to these regulations and shall have the same effect as if done on July 1, 1960.

Sec.
213.175 Filing and retention of records and copies of reports.
213.176 Photographic copies of records.

AUTHORITY: §§ 213.1 to 213.176 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope

§ 213.1 General.

The regulations in this part relate to tax-free alcohol and cover the procurement, storage, use, and recovery of such alcohol.

§ 213.2 Territorial extent.

This part applies to the several States of the United States and the District of Columbia.

§ 213.3 Related regulations.

Regulations related to this part are listed below:

26 CFR Part 186—Gauging Manual.
26 CFR Part 196—Stills.
26 CFR Part 200—Rules of Practice in Permit Proceedings.
26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 250—Liquors and Articles From Pureto Rico and the Virgin Islands.
26 CFR Part 251—Importation of Distilled Spirits, Wines, and Beer.
31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds.

Subpart B—Definitions

§ 213.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol. Spirits having a proof of 190 degrees or more when withdrawn from bond, including all subsequent dilutions and mixtures thereof, from whatever source or by whatever process produced.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

CFR. The Code of Federal Regulations.

Commissioner. The Commissioner of Internal Revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the claim, form, or other document or, where no form of declaration is prescribed, with the declaration "I declare under the penalties of perjury that this _____ (insert type of document, such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Fiduciary. A guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Industrial use permit. The document issued pursuant to section 5271(a), I.R.C., authorizing the person named therein to use tax-free alcohol, as described therein.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Permittee. Any person holding an industrial use permit on Form 1447.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A gallon at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Region. An internal revenue region.

Regional Commissioner. A regional commissioner of internal revenue.

Restoration. Restoring to the original state of recovered tax-free alcohol, including redistillation of the recovered alcohol to 190 degrees or more of proof and the removal of foreign materials by redistillation, filtration, or other suitable means.

Secretary. The Secretary of the Treasury.

Spirits or distilled spirits. The substance known as ethyl alcohol, ethanol, or spirits of wine, having a proof of 190 degrees or more when withdrawn from bond, including all subsequent dilutions and mixtures thereof, from whatever source or by whatever process produced.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

U.S.C. The United States Code.

Withdrawal permit. The document issued purusant to section 5271(a), I.R.C., authorizing the person named therein to withdraw tax-free alcohol, as specified therein, from the premises of a distilled spirits plant.

Subpart C—Administrative Provisions

AUTHORITIES

§ 213.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

§ 213.22 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to applications for permits or amendment or renewal of permits, or to the giving of any bond shall be authorized under this paragraph. Where the permittee desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The permittee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the permittee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where the permittee desires to employ such variation, he shall submit a written application so to do, in tripli-

cate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

(72 Stat. 1395; 26 U.S.C. 5552)

The Director may approve construction, equipment, and methods of operation, other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations:

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provision of law.

§ 213.23 Allowance of claims.

The assistant regional commissioner is authorized to allow claims for losses of tax-free alcohol.

§ 213.24 Permits.

The Director shall issue permits covering the use of tax-free spirits by the United States or a Governmental agency thereof. The assistant regional commissioner is authorized to issue all other industrial use permits and withdrawal permits required under this part.

§ 213.25 Bonds and consents of surety.

The assistant regional commissioner is authorized to approve all bonds and consents of surety required by this part.

§ 213.26 Right of entry and examination.

An internal revenue officer may enter during regular business hours any premises qualified under this part for the purpose of inspecting records and reports required to be maintained on such premises. Such officer may also inspect and take samples of tax-free alcohol to which such records and reports relate.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.27 Detention of containers.

Any internal revenue officer may detain any container containing, or supposed to contain, alcohol when he has reason to believe that such alcohol was withdrawn, sold, transported, or used in violation of law or this part; and every such container shall be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than 72 hours without process of law or intervention of the assistant regional commissioner, unless the person in possession of the container immediately prior to its detention, in consideration of the container being kept on his premises during detention, executes a waiver of the 72-hours limitation on detention of the container.

(72 Stat. 1375; 26 U.S.C. 5311)

LIABILITY FOR TAX

§ 213.28 Persons liable for tax.

Any person who removes, sells, transports, or uses alcohol, withdrawn free of tax, in violation of laws or regulations pertaining thereto, and all such alcohol shall be subject to all provisions of law pertaining to distilled spirits subject to tax, including those requiring payment of the tax thereon; and the person so removing, selling, transporting, or using the alcohol shall be required to pay such tax.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 213.29 Responsibility and liability of carriers.

For the responsibilities and liabilities of carriers, see sections 5001(a)(5), 5214, and 5271, I.R.C.

DESTRUCTION OF MARKS AND BRANDS

§ 213.30 Time of destruction of marks and brands.

The marks and brands required by regulations to be placed on containers of tax-free alcohol shall not be destroyed or altered until all of the alcohol has been removed from the package. When containers of tax-free alcohol have been emptied, the marks and brands shall be effaced or obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

DOCUMENT REQUIREMENTS

§ 213.31 Execution under penalties of perjury.

Where a form or other document called for under this part is required by this part or in the instructions on or with the form or other document to be executed under penalties of perjury, it shall be so executed, as defined in § 213.11, and shall be signed by the permittee or other duly authorized person.

(68A Stat. 749; 26 U.S.C. 6065)

§ 213.32 Filing of qualifying documents.

All documents returned to a permittee or other person as evidence of compliance with requirements of this part, or as authorizations, shall, except as otherwise provided, be kept readily available for inspection by an internal revenue officer during business hours.

Subpart D—Qualification

APPLICATION FOR INDUSTRIAL USE PERMIT

§ 213.41 Application for industrial use permit.

Every person desiring to use tax-free alcohol shall, before commencing such use, make application for and obtain an industrial use permit, Form 1447. Application, Form 2600, and necessary supporting documents, as required by this subpart, shall be filed with the assistant regional commissioner. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. A State, municipal subdivision thereof, or the District of Columbia may file an application for and receive a single permit on Form 1447 authorizing the use of alcohol free of tax in a number of institutions under its control if the method of storing, distributing, and accounting for the alcohol withdrawn under the permit is satisfactory to the assistant regional commissioner. Such application shall be accompanied by evidence which will establish the authority of the officer or other person who executes the application to execute the same and, where applicable, by the application for a withdrawal permit, Form 1450, required by § 213.109.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.42 Data for application.

Each application on Form 2600 shall include the following information:

(a) Serial number and purpose for which filed.

(b) Name and principal business address of applicant.

(c) Location, or locations, where tax-free alcohol is to be used if different from the business address.

(d) Statement as to the type of business organization and of the persons interested in the business, supported by the items of information listed in § 213.52.

(e) Statement showing the specific manner in which, or purposes for which, tax-free alcohol will be used and the estimated maximum quantity, in proof gallons, which will be on hand, in transit, and unaccounted for at any one time.

(f) Listing of the size, description, and location of each storeroom or compartment where tax-free alcohol will be stored and of principal equipment for the recovery and restoration of alcohol (including the serial number, kind, capacity, name and address of owner, and intended use of distilling apparatus).

(g) Trade names (see § 213.51).

(h) List of the offices, the incumbents of which are authorized by the articles of incorporation, the bylaws, or the board of directors to act on behalf of the applicant or to sign his name.

(i) On specific request of the assistant regional commissioner, furnish a statement showing whether any of the persons whose names and addresses are required to be furnished under the provisions of §§ 213.52 (a)(2) and (c) have (1) ever been convicted of a felony or misdemeanor under Federal or State law relating to intoxicating liquors, (2) ever been arrested or charged with any violation of State or Federal law relating to intoxicating liquors, or (3) ever applied for, held, or been connected with a permit, issued under Federal law, to manufacture, distribute, sell, or use spirits or products containing spirits, whether or not for beverage use, or held any financial interest in any business covered by any such permit, and, if so, give the number and classification of such permit, the period of operation thereunder, and state in detail whether such permit was ever suspended, revoked, annulled, or otherwise terminated.

Where any of the information required by paragraphs (d) through (h) of this section is on file with the assistant re-

gional commissioner, the applicant may, by incorporation by reference thereto, state that such information is made a part of the application for an industrial use permit. The applicant shall, when so required by the assistant regional commissioner, furnish as a part of his application for an industrial use permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to the permit.

(72 Stat. 1318, 1370; 26 U.S.C. 5005, 5271)

§ 213.43 Exceptions to application requirements.

The assistant regional commissioner may, in his discretion, waive detailed application and supporting data requirements in the case of applications, Form 2600, filed by States, political subdivisions thereof, the District of Columbia, and other applicants where the amount of tax-free alcohol to be obtained does not exceed 120 proof gallons per year: *Provided,* That such waiver shall not include information required under paragraphs (a), (b), (c), and (e), and, insofar as it relates to recovery, paragraph (f), of § 213.42.

(72 Stat. 1370; 26 U.S.C. 5271)

INDUSTRIAL USE PERMIT, FORM 1447

§ 213.44 Conditions of permits.

Industrial use permits shall designate the acts which are permitted, and shall include any limitations imposed on the performance of such acts. All of the provisions of this part relating to the use or recovery of tax-free alcohol shall be deemed to be included in the provisions and conditions of the permit, the same as if set out therein.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.45 Duration of permits.

Industrial use permits are continuing unless automatically terminated by the terms thereof, suspended or revoked as provided in § 213.49, or voluntarily surrendered. The provisions of § 213.55 shall be deemed to be a part of the terms and conditions of all industrial use permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.46 Posting of permits.

Industrial use permits shall be kept posted available for inspection on the premises covered by the permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.47 Disapproval of application.

If, on examination of an application, Form 2600, for an industrial use permit (or on basis of an inquiry or investigation with respect thereto), the assistant regional commissioner has reason to believe that:

(a) The applicant is not authorized by law and regulations issued pursuant thereto to withdraw or use alcohol free of tax; or

(b) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder, and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with Chapter 51, I.R.C., or regulations issued thereunder; or

(c) The applicant has failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

(d) The premises on which the applicant proposes to conduct the business are not adequate to protect the revenue;

The assistant regional commissioner may institute proceedings for the disapproval of the application in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.48 Correction of permits.

Where an error in an industrial use permit is discovered, the permittee shall, on demand of the assistant regional commissioner, immediately return the permit for correction.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.49 Suspension or revocation of permits.

Whenever the assistant regional commissioner has reason to believe that any person holding an industrial use permit:

(a) Has not in good faith complied with the provisions of chapter 51, I.R.C., or regulations issued thereunder; or

(b) Has violated the conditions of such permit; or

(c) Has made any false statements as to any material fact in his application therefor; or

(d) Has failed to disclose any material information required to be furnished; or

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of an offense under Title 26, U.S.C., punishable as a felony or of any conspiracy to commit such offense; or

(f) Is, by reason of his operations, no longer warranted in procuring or using the tax-free alcohol authorized by his permit; or

(g) Has not engaged in any of the operations authorized by the permit for a period of more than 2 years;

The assistant regional commissioner may institute proceedings for the revocation or suspension of such permit in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.50 Rules of practice in permit proceedings.

The regulations in Part 200 of this chapter are made applicable to the procedure and practice in connection with the disapproval of any application for an industrial use permit and in connection with the suspension and revocation of such permit.

§ 213.51 Trade names.

Where a trade name is to be used by an applicant or permittee, he shall list such trade name on Form 2600 and the offices where such name is registered, supported by copies of any certificate or other document filed or issued in respect of such name. Operations shall not be conducted under a trade name until the permittee is in possession of an industrial use permit, Form 1447, covering the use of such name.

§ 213.52 Organizational documents.

The supporting information required by paragraph (d) of § 213.42 includes, as applicable:

(a) *Corporate documents.* (1) Certified true copy of the certificate of incorporation, or certified true copy of certificate authorizing the corporation to operate in the State where the premises are located (if other than that in which incorporated).

(2) Certified list of names and addresses of officers and directors.

(3) Statement showing the number of shares of each class of stock or other evidence of ownership, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders.

(b) *Articles of partnership.* True copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality.

(c) *Statement of interest.* (1) Names and addresses of the 10 persons having the largest ownership or other interest in each of the classes of stock in the corporation, or legal entity, and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him. If a corporation is wholly owned or controlled by another corporation, those persons of the parent corporation who meet the above standards are considered to be the persons interested in the business of the subsidiary, and the names and addresses of such persons shall be submitted to the assistant regional commissioner on his specific request.

(2) In the case of an individual owner or partnership, name and address of every person interested in the business, whether such interest appears in the name of the interested party or in the name of another for him.

§ 213.53 Powers of attorney.

An applicant or permittee shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person authorized to sign or to act on his behalf. (Not required for persons whose authority is furnished in accordance with § 213.42(h)).

CHANGES AFTER ORIGINAL QUALIFICATION

§ 213.54 Changes affecting applications and permits.

Where there is a change relating to any of the information contained in or considered as a part of the application on Form 2600 for an industrial use permit, the permittee shall within 10 days (except as otherwise provided in this subpart) file with the assistant regional commissioner a written notice, in duplicate, of the details of such change. In case of a change in officers or directors, the notice shall be supported by a certi-

fied list, in duplicate, of such changes. Such notice is not required where there is a change in respect of information waived by the assistant regional commissioner in the original application for an industrial use permit in accordance with the provisions of § 213.43, unless, in the case of a permittee other than a State, political subdivision thereof, or the District of Columbia, the quantity of tax-free alcohol to be obtained will exceed 120 proof gallons per year. Where the change affects the terms of an industrial use permit, the permittee shall file an application on Form 2600 for an amended industrial use permit. Items which remain unchanged may be marked "No change since Form 2600 Serial No. ------."

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.55 Automatic termination of permits.

(a) *Permits not transferable.* Industrial use permits shall not be transferred. In the event of the lease, sale, or other transfer of such a permit, or of the operations authorized thereby, the permit shall thereupon automatically terminate.

(b) *Corporations.* In the case of a corporation holding an industrial use permit, if actual or legal control of the permittee corporation changes, directly or indirectly, whether by reason of change in stock ownership or control (in the permittee corporation or in any other corporation), by operation of law, or in any other manner, the permittee shall, within 10 days of such change, give written notice thereof, executed under the penalties of perjury, to the assistant regional commissioner; such permit may remain in effect with respect to the operation covered thereby until the expiration of 30 days after such change, whereupon such permit shall automatically terminate: *Provided,* That if within such 30-day period an application for a new permit covering such operation is made, then the outstanding permit may remain in effect with respect to the continuation of the operation covered thereby until final action is taken on such application. When such final action is taken, such outstanding permit shall thereupon automatically terminate.

§ 213.56 Adoption of documents by a fiduciary.

If the business is to be operated by a fiduciary, such fiduciary may, in lieu of qualifying as a new proprietor, file an application on Form 2600 to amend his predecessor's industrial use permit and furnish a consent of surety on Form 1533 extending the terms of the predecessor's bond, if any. The effective date of the qualifying documents filed by a fiduciary shall coincide with the effective date of the court order or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

§ 213.57 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to withdraw and use tax-free alcohol under the prior qualification of the partnership: *Provided,* That a consent of surety, wherein the surety and the surviving partner agree to remain liable on any bond given on Form 1448, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 213.58. The rule set forth in this section shall also apply where there is more than one surviving partner.

§ 213.58 Change in proprietorship.

An industrial use permit shall not be transferred. In the event of a change in proprietorship of the business of a permittee (as for instance, by reason of incorporation, the withdrawal or the taking in of one or more partners, or succession by any person who is not a fiduciary) the successor shall qualify in the same manner as the proprietor of a new business.

§ 213.59 Change in name of permittee.

Where there is to be a change in the individual, firm, or corporate name, the permittee shall file application on Form 2600 to amend his industrial use permit. Operations may not be conducted under the new name prior to issuance of the amended permit.

§ 213.60 Change in trade name.

Where there is to be a change in, or addition of, a trade name, the permittee shall file application on Form 2600 to amend his industrial use permit. A new bond or consent of surety will not be required. Operations may not be conducted under the trade name prior to issuance of the amended permit.

§ 213.61 Change in location.

When a permittee intends to move to a new location within the same region, he shall file application on Form 2600 for an amended industrial use permit and, if a bond on Form 1448 had been given, furnish a consent of surety, Form 1533, or a new bond to cover the new location. Tax-free alcohol may not be stored or used at the new location prior to issuance of the amended permit.

(72 Stat. 1370; 26 U.S.C. 5271)

REGISTRY OF STILLS

§ 213.62 Registry of stills.

The provisions of Part 196 of this chapter are applicable to stills located on the premises of a permittee. The listing of the stills on Form 2600 and the issuance of the industrial use permit shall constitute registration of the stills. The alternate use of a registered still or distilling apparatus for the distillation of a byproduct or chemical for which registry is not required will not require the filing of Form 26.

PERMANENT DISCONTINUANCE OF USE OF TAX-FREE ALCOHOL

§ 213.63 Notice of permanent discontinuance.

Where a permittee permanently discontinues the use of tax-free alcohol, he shall file with the assistant regional commissioner a letterhead notice, in duplicate, to cover such discontinuance. Such notice shall be accompanied by the industrial use permit, any withdrawal permits issued to the permittee, and by a report on Form 1451 covering the discontinuance and marked "Final Report." The notice shall contain (a) a request that such permits be canceled, (b) a statement of the disposition made, as provided in § 213.164, of all tax-free alcohol, including recovered alcohol, if any, and (c) the date of discontinuance. The bond of a permittee shall not be canceled until all tax-free alcohol, including recovered alcohol, has been properly disposed of in accordance with the provisions of this part.

(72 Stat. 1370; 26 U.S.C. 5271)

Subpart E—Bonds and Consents of Surety

§ 213.71 Bond, Form 1448.

Every person filing an application, Form 2600, shall, before issuance of the industrial use permit, file bond, Form 1448, with the assistant regional commissioner, except that no bond will be required where the application is filed by a State, any political subdivision thereof, or the District of Columbia, or where the quantity of tax-free alcohol authorized to be withdrawn does not exceed 120 proof gallons per annum and the quantity which may be on hand, in transit, or unaccounted for at any one time will not exceed 10 proof gallons. The penal sum of the bond on Form 1448 shall be computed on each proof gallon of tax-free alcohol, including recovered and restored tax-free alcohol, authorized to be on hand, in transit to the permittee, and unaccounted for at any one time, at the rate prescribed by law as the internal revenue tax on distilled spirits: *Provided,* That the penal sum of any bond (or the total of the penal sums where original and strengthening bonds are filed) shall not exceed $100,000 nor be less than $500.

(72 Stat. 1314, 1372; 26 U.S.C. 5001, 5272)

§ 213.72 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 213.73 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for

his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 213.74 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 213.75 Strengthening bonds.

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum or give a new bond covering the entire liability. Strengthening bonds shall not be approved where any notation is made thereon which is intended or which may be construed to be a release of any former bond or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the date of execution and the effective date, and be marked "Strengthening Bond".

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.76 Superseding bonds.

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the assistant regional commissioner, be required in any other contingency affecting the validity or impairing the efficiency of the bond. Where, under the provisions of § 213.77, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the operations to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. Superseding bonds must show the date of execution and the effective date, and be marked "Superseding Bond." If the principal does not file a new bond when required, he shall not conduct any operation under his permit.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.77 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time serve notice in writing on the principal and the assistant regional commissioner in whose office the bond is on file, that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a statement, executed under the penalties of perjury, that such power of attorney is on file with the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.78 Termination of rights and liability under a bond.

If the notice of termination given by the surety is not thereafter in writing withdrawn, the rights of the principal as supported by the subject bond shall be terminated on the date named in the notice. The surety shall be relieved from his liability under a bond as to any operations which are wholly subsequent to: (a) The date named in a notice of termination (§ 213.77); (b) the effective date of a superseding bond (§ 213.76); or (c) the date of approval of the discontinuance of operations by the principal. If the principal fails to file a valid superseding bond prior to the date on which the surety desires to be relieved from liability under the bond, the surety, notwithstanding his release from liability as specified in paragraph (a) of this section, shall continue to remain liable under the bond for all tax-free alcohol on hand or in transit to the principal on said date until the same has been lawfully disposed of or a new bond has been filed by the principal covering the same.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.79 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 213.73, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

Subpart F—Premises and Equipment

§ 213.91 Premises.

A tax-free alcohol user qualified under this part shall have premises suitable for the business being conducted and adequate for the protection of the revenue. Storage facilities shall be provided on the premises for tax-free alcohol received or recovered thereon. These storage facilities shall consist of a storeroom or compartment, or stationary storage tanks, or a combination thereof.

§ 213.92 Storerooms.

Storerooms or compartments shall be so constructed and secured as to prevent unauthorized access to the tax-free alcohol. Such storage facilities shall be of sufficient capacity to hold the maximum quantity of tax-free alcohol which will be on hand at any one time and shall be equipped for locking.

§ 213.93 Storage tanks.

Each stationary tank used for the storage of tax-free alcohol shall be equipped for locking in such manner as to control access to the spirits. Means shall be provided whereby the contents can be accurately measured.

§ 213.94 Equipment for recovery of tax-free alcohol.

If tax-free alcohol is to be recovered for reuse, all equipment to be used shall be located on the permit premises. Distilling apparatus or other equipment, including pipelines, for such recovery shall be constructed and secured in such a manner as to prevent unauthorized access to the tax-free alcohol and so arranged as to be readily inspected.

§ 213.95 Storage tanks for recovered and restored alcohol.

If tax-free alcohol is to be recovered, suitable storage tanks shall be provided. Each such tank shall be durably marked to indicate its use and capacity, shall be equipped with a measuring device whereby the actual contents will be indicated, and shall be equipped for locking to prevent access to the contents.

Subpart G—Withdrawal and Use of Tax-Free Alcohol

§ 213.101 Authorized uses.

Alcohol may be withdrawn from the bonded premises of a distilled spirits plant, free of tax, by and for the use of any State, any political subdivision thereof, or the District of Columbia, for nonbeverage purposes. Alcohol may also be so withdrawn by persons eligible to use tax-free alcohol, for nonbeverage purposes and not for resale or use in the manufacture of any product for sale, as follows:

(a) For the use of any educational organization described in section 503(b)(2), I.R.C., which is exempt from income tax under section 501(a), I.R.C., or for the use of any scientific university or college of learning;

(b) For any laboratory for use exclusively in scientific research;

(c) For use at any hospital, blood bank, or sanitarium (including use in making any analysis or test at such hospital, blood bank, or sanitarium), or at any pathological laboratory exclusively engaged in making analyses, or tests, for hospitals or sanitariums; or

(d) For the use of any clinic operated for charity and not for profit (including use in the compounding of bona fide medicines for treatment outside of such clinics of patients thereof).

Tax-free alcohol shall be withdrawn and used only as provided by law and this part.

(72 Stat. 1362, 1370; 26 U.S.C. 5214, 5271)

§ 213.102 States and the District of Columbia.

Except as otherwise provided in this section, tax-free alcohol withdrawn by a State, a political subdivision thereof, or the District of Columbia shall be used solely for mechanical and scientific purposes, and except on approval of the Director, such use or the use of any resulting product shall be confined to the premises under the control of the State, political subdivision thereof, or the District of Columbia. Tax-free alcohol so withdrawn for use at hospitals, clinics, and other establishments specified in §§ 213.103 to 213.107, operated by a State, political subdivision, or

the District of Columbia, shall be used in the manner prescribed in the applicable section for such establishments.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.103 Educational organizations, scientific universities, and colleges of learning.

Educational organizations authorized to withdraw tax-free alcohol under § 213.101 are those organizations which normally maintain a regular faculty and curriculum and which normally have a regularly enrolled body of students in attendance at the place where their educational activities are regularly carried on and which are exempt from Federal income tax under section 501(a), I.R.C. Colleges of learning for the purposes of this subpart are such as have a recognized curriculum and confer degrees after specified periods of attendance at classes or research work. Scientific university shall include any university incorporated or organized under any Federal or State law which provides training in the sciences. Tax-free alcohol withdrawn by such educational organizations, scientific universities, and colleges of learning shall be used only for scientific, medicinal, and mechanical purposes. Use of the tax-free alcohol and resulting products shall be limited as provided in § 213.108.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.104 Hospitals, blood banks, and sanitariums.

Tax-free alcohol withdrawn by hospitals, blood banks, and sanitariums shall be used only for medicinal, mechanical, and scientific purposes and in the treatment of patients. Such use includes making any analysis or test at such hospital, blood bank, or sanitarium. Medicines made with tax-free alcohol may not be sold, but a separate charge may be made for such medicines compounded on the hospital or sanitarium premises for use of patients on the premises. Where a hospital holding permit to use tax-free alcohol operates a clinic on the hospital premises, tax-free alcohol withdrawn under the permit of the hospital may be used in the clinic to the same extent as it may be used in the hospital: *Provided,* That in the case of a clinic operated for charity and not for profit, medicines compounded with tax-free alcohol may be furnished to patients for use off the premises if such medicine is not sold and no fee or other charge is exacted by reason of the furnishing of the medicine to the patient. Similarly, tax-free alcohol withdrawn by a hospital or sanitarium may be used in a pathological or other laboratory operated in connection with such hospital or sanitarium, on the hospital or sanitarium premises, to the same extent as it may otherwise be used by the hospital or sanitarium. The use of tax-free alcohol and of products resulting from such use shall be confined strictly to the permit premises except as provided herein and in § 213.108.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.105 Clinics.

Tax-free alcohol withdrawn by clinics operated for charity and not for profit shall be used only for medicinal, scientific, and mechanical purposes and in the treatment of patients. Medicine compounded with such tax-free alcohol may be furnished to patients for use off the premises if such medicine is not sold and no fee or other charge is exacted by reason of the furnishing of the medicine to the patient. A separate charge may be made for medicine compounded on the clinic premises with tax-free alcohol for use of patients on the premises. Except as provided herein and in § 213.108, the use of tax-free alcohol and of products resulting from such use shall be confined strictly to the premises of the clinic.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.106 Pathological laboratories.

Pathological laboratories, other than such laboratories which are a part of a hospital or sanitarium, may withdraw tax-free alcohol under this part only if engaged exclusively in making analyses or tests for hospitals or sanitariums. Such independent pathological laboratories may not obtain tax-free alcohol if tests or analyses are made for doctors, dentists, or for any other purpose than as provided in this section. Except as provided in § 213.108, the use of tax-free alcohol and of products resulting from such use shall be confined strictly to the premises of the pathological laboratory.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.107 Other laboratories.

Except in the case of a pathological laboratory, specified in § 213.106, any laboratory withdrawing alcohol free of tax shall use such alcohol exclusively in scientific research. The use of the alcohol and of any product resulting from such use shall be limited to the permit premises except as provided in § 213.108.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.108 Prohibited usage of tax-free alcohol.

Under no circumstances may tax-free alcohol withdrawn under this part be used for beverage purposes, or in any food product, or in any preparation used in preparing beverage or food products. Universities, colleges, educational organizations, laboratories, hospitals, clinics, blood banks, and sanitariums are prohibited from (a) selling tax-free alcohol, (b) using tax-free alcohol in the manufacture of any product for sale, or (c) selling any product resulting from the use of tax-free alcohol: *Provided,* That a charge may be made by a hospital, sanitarium, or clinic for medicines dispensed to patients for use on the premises to the extent authorized in §§ 213.104 and 213.105. Persons holding permit on Form 1447 may not remove tax-free alcohol or products resulting from the use of such alcohol from premises under their control unless such removals are specifically authorized by the terms of their permit, or permission is obtained from the assistant regional commissioner: *Provided,* That (1) products made through the use of such alcohol which contain no alcohol may be removed to other premises for the sole purpose of further research, and (2) bona fide medicines compounded by a clinic operated for charity and not for profit may be used outside of such clinic for treatment of its patients if the medicine is distributed without charge to the extent authorized in §§ 213.104 and 213.105. Hospitals may not furnish tax-free alcohol for use of physicians in their private practice. Tax-free permittees who use tax-free alcohol in any manner prohibited by this section become liable for the tax on such alcohol. A tax-free permittee who sells alcohol also becomes liable for special tax as a liquor dealer.

(72 Stat. 1314, 1343; 26 U.S.C. 5001, 5121)

§ 213.109 Application for withdrawal permit.

Every person, other than as provided for in Subpart I of this part, desiring to procure tax-free alcohol shall file an application on Form 1450 with the assistant regional commissioner for a withdrawal permit. The application shall show the total quantity, in proof gallons, of tax-free alcohol to be withdrawn during the term of the permit, and the total quantity, in proof gallons, to be withdrawn during any one calendar month. The total quantity to be withdrawn shall not be more than is sufficient to meet the bona fide needs of the applicant. Where the applicant desires to withdraw more than one-sixth of his annual requirements during any month, he should state his needs and furnish sufficient information for the assistant regional commissioner to determine whether such withdrawals should be authorized: *Provided,* That where one-sixth of the applicant's annual requirements is less than the equivalent of one drum (55 wine gallons), he may show as his monthly allowance a quantity not to exceed the equivalent of one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 213.71. A permittee may, if he so desires, file applications for more than one withdrawal permit and have his total annual withdrawals divided among such permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.110 Issuance and duration of withdrawal permit.

If the application submitted in accordance with § 213.109 is approved, the assistant regional commissioner shall issue withdrawal permit on Form 1450 and shall forward the original to the permittee. Withdrawal permits on Form 1450 shall terminate on April 30 of each year: *Provided,* That a permit issued less than six months before April 30 of any year shall remain in effect through April 30 of the following year.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.111 Application for renewal of withdrawal permit.

Application on Form 1450 for renewal of a withdrawal permit expiring April 30 of a year shall be submitted by the

permittee to the assistant regional commissioner on or before January 10 of such year in order that the renewal permit may be issued and become available for withdrawals by May 1. The user's report on Form 1451 which is required to be submitted on or before January 10 shall be submitted with the renewal application. The provisions of §§ 213.109 and 213.110 with respect to application for, and issuance of, withdrawal permits, respectively, are applicable to the renewal of such permits.

§ 213.112 Denial, correction, and suspension or revocation; changes after original qualification; and automatic termination of withdrawal permits.

All of the provisions of Subpart D of this part with respect to the denial, correction, suspension or revocation, automatic termination, changes after original qualification, and rules of practice in permit proceedings are applicable to withdrawal permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.113 Cancellation of withdrawal permit.

Should an industrial use permit on Form 1447 be terminated or surrendered, or should the withdrawal permit on Form 1450 issued to the permittee be revoked, the withdrawal permit shall be returned immediately to the assistant regional commissioner for cancellation.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.114 Withdrawals under permit.

When the permittee desires to procure tax-free alcohol, he shall forward the original of the withdrawal permit to the proprietor of the distilled spirits plant from whom he will procure such alcohol. Shipments shall not be made by the proprietor of a distilled spirits plant until he is in possession of a valid withdrawal permit, nor shall shipments exceed the quantity authorized by such permit. On shipment, the consignor shall enter the transaction on the withdrawal permit and return it to the permittee, unless he has been authorized to retain it for the purpose of making future shipments.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.115 Regulation of withdrawals.

Withdrawals by a permittee shall not exceed the quantity authorized by his permit on Form 1450 and shall be so regulated by him that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of tax-free alcohol shown in his application on Form 2600 for an industrial use permit. Recovered alcohol and alcohol received under § 213.117 shall be taken into account in determining the quantity of alcohol on hand. For this purpose, tax-free alcohol and recovered alcohol shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and has not been allowed or if used or disposed of otherwise than as provided in this part.

§ 213.116 Receipt of tax-free alcohol.

As soon as received, tax-free alcohol shall be placed in the storage facilities prescribed by § 213.91 and kept there under lock until withdrawn for use. Unless required by city or State fire code regulations or authorized by the assistant regional commissioner or the terms of the permit, the permittee may not remove tax-free alcohol from the original packages or containers in which received until such alcohol is withdrawn for use. If the tax-free alcohol is transferred to "safety" containers in accordance with such fire code regulations, the container to which they are transferred shall be appropriately marked to show the serial number of the package from which transferred, the quantity transferred, the date of transfer, and the name and address of the vendor. On receipt of tax-free alcohol by the permittee, he shall ascertain and account for any losses in transit in accordance with Subpart J of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months.

§ 213.117 Alcohol received from General Services Administration.

Any eleemosynary institution holding an industrial use permit, Form 1447, and receiving alcohol from General Services Administration under the provisions of section 5688(a)(2)(B) of the Internal Revenue Code shall include any quantity of alcohol so received in computing the quantity of tax-free alcohol that may be procured under its withdrawal permit, Form 1450, during the calendar month. Such alcohol shall, on receipt, be placed in the storage facilities prescribed in § 213.91 and kept there under lock until withdrawn for use.

§ 213.118 Records and reports.

Tax-free alcohol users shall keep records and render reports as required under Subpart L of this part.

Subpart H—Recovery of Tax-Free Alcohol

§ 213.131 General.

Persons desiring to recover tax-free alcohol for reuse shall first receive approval therefor pursuant to the filing of appropriate qualifying documents, in accordance with the applicable provisions of Subparts D and E of this part. Restoration may be accomplished by the permittee or by the proprietor of a distilled spirits plant.

§ 213.132 Deposit in tanks.

All recovered tax-free alcohol shall be accumulated in tanks equipped for locking and properly marked for identification. Where the recovered alcohol is to be shipped to a distilled spirits plant for redistillation, it may be transferred to appropriately marked packages. All tax-free alcohol recovered shall be measured before being redistilled or reused and shall be kept separate from new tax-free alcohol.

§ 213.133 Shipment for redistillation.

Recovered alcohol requiring redistillation, unless the same is to be done on the permittee's premises, shall be shipped to a distilled spirits plant for restoration. Packages shall be numbered in serial order, beginning with "1" and continuing in regular sequence, and have marked or stenciled thereon the name, address, and permit number of the permittee, the quantity, in gallons, of alcohol contained therein, and the words "Recovered tax-free alcohol."

§ 213.134 Notice of shipment.

When recovered tax-free alcohol is shipped as provided for in § 213.133, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if consignee is located in another region) and, on the day of shipment, forward the original and one copy to the proprietor of the distilled spirits plant to which shipment is made, one copy (two copies if shipment is made to a consignee in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

Subpart I—Use of Tax-Free Spirits by the United States or Governmental Agency

§ 213.141 General.

Tax-free spirits may be withdrawn under this part from a distilled spirits plant for use of the United States or any Governmental agency thereof for nonbeverage purposes, as authorized by section 5214(a)(2), I.R.C. No industrial use permit or bond is required. However, a permit to procure spirits, free of tax, for nonbeverage purposes must be obtained in accordance with this subpart before tax-free spirits may be withdrawn for such use. The withdrawal, free of tax, of imported spirits from customs custody for the use of the United States shall be in accordance with the applicable provisions of Part 251 of this chapter.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.142 Application and permit, Form 1444.

Application, Form 1444, by the United States or a Governmental agency thereof for a permit to procure tax-free spirits from a distilled spirits plant for nonbeverage purposes shall be executed in duplicate and shall be signed by the head of the department or independent bureau or agency to which such tax-free spirits are to be shipped, or by some person duly authorized by such head of a department or independent bureau or agency. Evidence of authority to sign for the head of a department or independent bureau or agency shall be furnished the Director. The permit may be left with the supplier during the term of its use or retained by the agency and furnished to the supplier with each order for spirits. Every appropriate precaution shall be taken by the agency to insure that the tax-free spirits so procured will be used only for Governmental purposes.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.143 Procurement of tax-free spirits.

When tax-free spirits are to be procured by the United States or a Governmental agency thereof, the permit, Form 1444, shall be forwarded to the vendor. A purchase order shall be submitted by the Governmental agency for any tax-free spirits shipped under the permit. At the time of shipment, the vendor shall record the shipment on the permit and return it to the Governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments.

§ 213.144 Receipt of shipment.

On receipt of a shipment of tax-free spirits, the representative of the Governmental agency receiving the same shall execute the certificate of receipt on the original and copy of Form 1473 received from the proprietor of the distilled spirits plant, after noting thereon any loss or deficiency in the shipment, and shall forward the original to the assistant regional commissioner of the region in which the consignor is located and retain the copy for his files.

§ 213.145 Discontinuance of use.

When no more tax-free spirits will be procured under a permit the Governmental agency shall return the permit to the Director for cancellation.

§ 213.146 Disposition of excess spirits.

Any excess spirits in the possession of a Governmental agency shall be disposed of to another agency of the United States holding a permit, returned to a distilled spirits plant on approval of the assistant regional commissioner of the region in which the plant is located, or disposed of otherwise as may be authorized by the Director. In no case may such spirits be disposed of to the general public.

Subpart J—Losses

§ 213.151 Losses by theft.

The quantity of tax-free alcohol lost by theft shall be determined at the time the loss is discovered. Such losses on the premises of users shall be recorded in the records required by § 213.171 and reported on Form 1451. Those occurring in transit shall be reported on the Form 1473. The permittee shall immediately report such loss to the assistant regional commissioner, explaining the circumstances under which the loss occurred. Claim for allowance for all such losses, regardless of the percentage of loss, shall be made by the permittee.

§ 213.152 Losses in transit.

The quantity of tax-free alcohol lost while in transit to the premises of a permittee shall be determined at the time shipment or report of loss is received and shall be reported on Form 1473. Except as provided in § 213.151, where the quantity lost from wooden packages contained in a shipment exceeds 3 percent of their original aggregate contents or the loss from any other containers in a shipment exceeds 1 percent of their original aggregate contents, and the quantity lost is more than 5 proof gallons, claim for allowance of the entire quantity lost shall be filed by the permittee. Where losses in transit do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, no claim for allowance will be required.

§ 213.153 Losses at user's premises.

The quantity of tax-free alcohol lost on the premises of a permittee shall, except as provided in § 213.151 and in the case of casualty and unusual losses, be determined and recorded at the end of each month when the inventory of tax-free alcohol required under § 213.172 is taken. Casualty or other unusual losses shall be determined and recorded in the records required by § 213.171 at the time of discovery. All losses on the premises of the permittee shall be reported on Form 1451. If the quantity lost during any one month exceeds 1 percent of the quantity of tax-free alcohol to be accounted for during the month, and is more than 5 proof gallons, claim for allowance of the entire quantity lost shall be made by the permittee. Where losses on the premises do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the loss was unlawfully used or removed, claim for loss will not be required, except in the case of losses under § 213.151.

§ 213.154 Claims.

Claims for allowance of losses of tax-free alcohol shall be filed, on Form 2635, with the assistant regional commissioner within 30 days from the date the loss is ascertained, and shall set forth the following:

(a) Name, address, and permit number of the claimant;

(b) Identification and location of the container or containers from which the tax-free alcohol was lost;

(c) Quantity of tax-free alcohol lost from each container, the total quantity of such alcohol covered by the claim, and the aggregate quantity involved;

(d) Date of the loss (or, if not known, date of discovery), the cause or nature thereof, and all the facts relative thereto, including facts establishing whether the loss occurred as a result of any negligence, connivance, collusion, or fraud on the part of any person participating in, or responsible in any manner for, the transaction, or any employee or agent of such person; and

(e) Name of carrier where a loss in transit is involved.

The assistant regional commissioner may require the submission of additional evidence.

Subpart K—Destruction, Return, or Reconsignment of Tax-Free Alcohol and Disposition of Recovered Alcohol

§ 213.161 Destruction.

Tax-free alcohol in the possession of a permittee may be destroyed by him on approval of the assistant regional commissioner. The permittee shall file application to do so with the assistant regional commissioner, in duplicate, stating fully the reasons therefor. On approval of the application, the assistant regional commissioner shall instruct the permittee whether or not the destruction shall be witnessed by an internal revenue officer. If an internal revenue officer is assigned, he shall certify to the destruction on the original and copy of the approved application, specifying the date and manner of destruction. If no internal revenue officer is assigned, such certification shall be made by the permittee. The copy of the approved application shall be filed by the permittee and the original returned to the assistant regional commissioner.

§ 213.162 Return.

For any legitimate reason, a permittee may return tax-free alcohol to a distilled spirits plant (whether or not such plant was the original shipper), if the distilled spirits plant proprietor consents to the return and permission for the transfer is in each instance first obtained from the assistant regional commissioner. Application for such permission shall be filed in triplicate (quadruplicate if the distilled spirits plant is in another region). If the application is approved the assistant regional commissioner shall forward a copy to the permittee, a copy to the proprietor of the distilled spirits plant and the additional copy, if any, to the consignee's assistant regional commissioner.

§ 213.163 Reconsignment in transit.

Where, prior to or on arrival at the premises of a consignee, tax-free alcohol is found to be unsuitable for the purpose for which intended, was shipped in error, or, for any other bona fide reason, is not accepted by such consignee, or is not accepted by a carrier, it may be reconsigned to another permittee by the proprietor of the distilled spirits plant making shipment, or returned to the shipping plant, on notification by the consignor to the assistant regional commissioner of the consignor's region of such action. In such case, the bond of the permittee to whom the tax-free alcohol was reconsigned or the bond of the proprietor to whom the alcohol was returned shall cover such spirits while in transit after reconsignment. Notice of cancellation of the Form 1473 covering the shipment to the original consignee shall be made by the consignor to each person receiving a copy of Form 1473. Where reconsignment is to another permittee the consignor shall also prepare a new Form 1473 and place thereon the word "Reconsignment." The entry on the withdrawal permit covering the original shipment shall be voided, and appropriate entries shall be made by the consignor on the withdrawal permit of the permittee to whom the tax-free alcohol was reconsigned.

§ 213.164 Disposition on permanent discontinuance of use.

When a permittee permanently discontinues the use of tax-free alcohol, any tax-free alcohol remaining on hand at the time of such discontinuance may be returned to a distilled spirits plant in accordance with the procedure pre-

scribed in § 213.162, destroyed in accordance with the procedure prescribed in § 213.161, or, on approval of an application therefor by the assistant regional commissioner, disposed of to another permittee, if consent of surety is filed on the consignee's bond extending the terms thereof to cover the transportation of the alcohol to his premises. The application for disposition to another permittee shall be prepared and disposed of in the manner prescribed in § 213.162.

§ 213.165 Notice of shipment.

When tax-free alcohol is shipped in accordance with § 213.162 or § 213.164, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if the consignee is located in another region) and, on the day of shipment, forward the original and one copy to the consignee, one copy (two if the consignee is located in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

§ 213.166 Disposition after revocation of permit.

When any industrial use permit, Form 1447, is revoked, all tax-free alcohol in transit to and in the possession of the former permittee, and all recovered alcohol, may continue to be lawfully possessed by him for a period of 60 days after such revocation, but only for the purpose of making lawful disposition thereof, pursuant to proper permit therefor, which the permittee shall do within said period. Unless such stocks are disposed of within the period of 60 days they are subject to seizure and forfeiture.

(68A Stat. 867, 72 Stat. 1370; 26 U.S.C. 7302, 5271)

§ 213.167 Disposition of recovered tax-free alcohol on permanent discontinuance of use.

Recovered tax-free alcohol in possession of a permittee at the time of permanent discontinuance of the use of tax-free alcohol shall be disposed of only as authorized by the assistant regional commissioner after full advice respecting its condition and the disposition it is desired to make of such recovered alcohol has been submitted to him.

Subpart L—Records and Reports

§ 213.171 Records.

Persons holding permit on Form 1447 to use tax-free alcohol, shall keep records in sufficient detail (a) to enable any internal revenue officer to verify all transactions in tax-free alcohol and to ascertain whether there has been compliance with law and regulations, and (b) to enable the permittee to prepare Form 1451. Such records shall identify the tax-free alcohol by proof, shall show the date of each transaction and the actual quantities of alcohol involved, and shall include tax-free alcohol received from General Services Administration and the recovery of alcohol and disposition thereof. Records of receipt and authorized removals of tax-free alcohol shall show the name, address, and registry or permit number (if any) of each consignee or consignor, and the type, number, and serial numbers of containers involved. Records must be kept current at all times.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.172 Monthly inventories.

At the end of every calendar month, each permittee shall take and record an actual inventory of all tax-free alcohol in his possession. Recovered tax-free alcohol and alcohol received from General Services Administration, if any, shall be listed separately.

§ 213.173 Reports.

Every person holding industrial use permit, Form 1447, shall prepare an annual report on Form 1451. Spirits received from General Services Administration under § 213.117, if any, and spirits recovered pursuant to Subpart H of this part, if any, shall be reported separately. In the case of a State, municipal subdivision thereof, or the District of Columbia, holding a permit covering the use of tax-free alcohol in a number of institutions under its control, Form 1451, submitted by such permittee shall include alcohol used by its dependent agencies, institutions, or departments. The permittee shall submit the original to the assistant regional commissioner not later than the 10th day of January of each year, together with his renewal application, Form 1450, if any, and retain the duplicate copy for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.174 Time for making of entries.

Each transaction required by this subpart to be shown in the records shall be entered therein on the day on which the operations occur, except where supplemental or auxiliary records are prepared of, and concurrent with, the individual transaction or operation from which the records can be posted, the making of entries on the records may be deferred to not later than the close of the business day next succeeding the day on which the operation or transaction occurred.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.175 Filing and retention of records and copies of reports.

All records required by this part and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained for a period of not less than three years after the date of the report covering the transaction, in such manner as to facilitate inspection by internal revenue officers: *Provided*, That the assistant regional commissioner may require such records to be kept for an additional period of not exceeding three years in any case where he deems such retention necessary or advisable. Records and reports shall be filed at the premises where such operations are conducted, except that such records may be kept by a State, municipal subdivision thereof, or the District of Columbia qualified to procure tax-free alcohol for the use of dependent agencies, institutions, or departments. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

§ 213.176 Photographic copies of records.

Persons who desire to record, copy, or reproduce records required to be preserved under § 213.175 by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of such records, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application unless (1) the Director has approved that type of record for reproduction and the reproduction process to be employed, and (2) the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record" shall mean the record required by this part to be maintained or preserved, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

[F.R. Doc. 60-5944; Filed, June 28, 1960; 8:45 a.m.]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PART 182—INDUSTRIAL ALCOHOL

PART 216—DISTILLED SPIRITS PLANTS

Partial Supersedure of Parts

CROSS REFERENCE: For partial supersedure of regulations in these parts, see preamble to Parts 211 and 213 of this chapter, *infra*.

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1960 and Succeeding Crops

Basis and purpose. The provisions of §§ 722.101 to 722.152 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton (hereinafter referred to as "ELS cotton") which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by ELS cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of ELS cotton.

Notice of proposed formulation of marketing quota regulations for ELS cotton of the 1960 and succeeding crops when marketing quotas are in effect for such cotton was published in the FEDERAL REGISTER on April 22, 1960 (25 F.R. 3529) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and be in position to determine and give notice of penalties on overplanted farms prior to marketing of the ELS cotton, it is essential that §§ 722.101 to 722.152 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.101 to 722.152 shall be effective upon filing this document with the Director, Office of the Federal Register.

GENERAL

AUTHORITY: §§ 722.101 to 722.152 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 362, 363, 365–368, 372–374, 388, 52 Stat. 38, 62, 63–65, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1388, 1344–1347.

GENERAL

§ 722.101 Applicability.

The provisions of §§ 722.101 to 722.152 apply to ELS cotton produced in 1960 and succeeding years when marketing quotas are in effect and to carryover ELS cotton which is marketed by producers in the 1960–61 and succeeding marketing years. The regulations pertaining to marketing quotas for ELS cotton of the 1958 and succeeding crops (23 F.R. 3241), as amended, apply to the 1958 and 1959 crops of ELS cotton.

§ 722.102 Definitions.

As used in §§ 722.101 to 722.152 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State administrative officer", "county office manager", "operator", and "person" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 722.101 to 722.152. In Puerto Rico, the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State committee and the county committee and the Director, Caribbean ASC Area Office shall, insofar as applicable, perform the functions of the State administrative officer.

(3) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(5) "Treasurer" means the county office manager or the person designated by him to act as county committee treasurer. In Puerto Rico, the Director, Caribbean ASC Area Office, shall designate one or more of the ASC employees to perform the duties and functions of the county committee treasurer.

(6) "Upland cotton" means any cotton other than extra long staple cotton.

(7) "Extra long staple cotton" (referred to in §§ 722.101 to 722.152 as "ELS cotton") means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, as provided under section 347(a) of the act.

(8) "Carryover ELS cotton" for any year means the unmarketed ELS cotton from any previous crop which the pro-

ducer thereof has on hand as of August 1 of such year.

(9) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(10) "Penalty" for any year means the amount payable with respect to the farm marketing excess for such year as determined under sections 346 and 347(c) of the act and § 722.126.

(11) "Crop year" means the calendar year in which the ELS cotton is planted.

(12) "County" means county or parish of a State. The Northern Area (ELS cotton producing areas in northern Puerto Rico) and the Southern Area (ELS cotton producing areas in southern Puerto Rico) are considered as separate counties.

(13) The terms "farm" and "farm serial number" as defined in Part 719 of this chapter (23 F.R. 6731), as amended, shall apply to the regulations in §§ 722.101 to 722.152.

(14) "ELS seed cotton" means the harvested fruit of the ELS cotton plant before ginning.

(15) "ELS lint cotton" means the fiber taken from ELS seed cotton by ginning.

(16) "Normal yield for any county" for a crop year means the average yield per harvested acre of ELS lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director, with the approval of the Administrator of Commodity Stabilization Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(17) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.101 to 722.152.

(b) *Terms relating to farms.* (1) "Farm allotment" means an ELS cotton acreage allotment established for a farm under the applicable acreage allotment regulations.

(2) "New ELS cotton farm" means a farm on which ELS cotton is to be planted in a crop year but such farm is not eligible for an allotment as an old ELS cotton farm for such crop year.

(3) "Acreage planted to ELS cotton on the farm" for a crop year, for purposes of §§ 722.101 to 722.152 shall be the acreage seeded to ELS cotton on the farm in such year and the acreage devoted to the production of ELS cotton on the farm in such year but seeded prior to such year, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to expiration of the period established under applicable regulations for disposing of excess ELS cotton acreage or (ii) is disposed of in accordance with applicable regulations pertaining to the disposal of excess ELS cotton acreage.

(4) "Normal yield" for any year means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(5) "Normal production" of any number of acres for a crop year means the normal yield of ELS lint cotton per acre for the farm for such year multiplied by such number of acres.

(6) "Actual production" of ELS cotton on the farm means the total number of pounds of ELS lint cotton determined to have been produced on the farm in the crop year. ELS cotton will be considered to have been produced in the crop year in which the acreage from which it was produced was planted.

(7) "Actual yield" per acre for a crop year means the number of pounds of ELS lint cotton determined by dividing the actual production of ELS cotton on the farm in such year by the acreage planted to ELS cotton on the farm in such year.

(8) "Farm marketing quota" for a crop year means an ELS cotton marketing quota established for the farm for such year under § 722.109.

(9) "Farm marketing excess" for a crop year means the amount of ELS cotton determined for the farm for such year under § 722.110 or § 722.112, whichever is applicable.

(10) "Farm with no farm marketing excess" for a crop year means a farm on which the acreage planted to ELS cotton in such year is not in excess of the farm allotment for such year.

(11) "Farm with a farm marketing excess" for a crop year means a farm on which the acreage planted to ELS cotton in such year is in excess of the farm allotment for such year.

(12) "Producer" means a person on a farm who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the ELS cotton produced thereon during the year in which the ELS cotton is planted (or ELS cotton on hand from a prior crop) or the proceeds thereof.

(13) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(14) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of ELS cotton to be paid as rent.

(15) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the ELS cotton or of the proceeds thereof.

(16) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the ELS cotton or of the proceeds thereof.

(c) *Terms relating to harvesting and marketing.* (1) "Harvest" means the act of extracting ELS seed cotton from the ELS cotton plant by manual or mechanical means or grazing by livestock.

(2) "Harvested" and "harvesting" shall have corresponding meanings to the term "harvest" in the connection in which they are used. Salvage operations shall be considered as harvesting.

(3) "Available for harvest" means the stage of maturity when bolls are sufficiently open to permit harvest.

(4) "Market" means to dispose of ELS cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to ELS cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to ELS cotton by a producer to another in exchange for ELS cotton or any other commodity, service, or property in cases where the value of the ELS cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to ELS cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to ELS cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(5) "Marketing year" means the period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(6) "Buyer" means a person who acquires ELS cotton from a producer by purchase, including transferees and all

persons who acquire title to such cotton from producers. An agricultural cooperative association which makes purchase and sale agreements with producers, or marketing agreements under which the title to ELS cotton passes upon delivery of such cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any ELS cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.108.

(7) "Transferee" means a person who receives ELS cotton from a producer by barter or exchange, or by gift inter vivos.

(8) "Ginner" means a person engaged in the business of ginning ELS cotton.

(9) "Ginning" means the process by which ELS lint cotton is removed from the ELS cotton seed.

(10) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of ELS cotton.

(11) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of ELS cotton.

§ 722.103 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.101 to 722.152 shall be prepared under the direction of the director and shall be issued by the deputy administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the director.

§ 722.104 Extent of calculations and rule of fractions.

In making any computation in connection with §§ 722.101 to 722.152, the amount of ELS lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.105 Identification of farms.

Each farm as operated for a crop year shall be identified by a farm serial number and all records pertaining to marketing quotas for such crop year and farm shall be identified by the farm serial number.

§ 722.106 Measurement of farms.

The county committee shall provide for measurement each crop year of the acreage planted to ELS cotton on farms in accordance with Part 718 of this chapter (24 F.R. 4223), as amended.

§ 722.107 Reports and records of farm measurements.

The county committee shall keep a record for each crop year of the measurements made on all farms. It shall file with the State office a written report for each crop year on Form MQ-94—Cotton (ELS) setting forth for each farm with a farm marketing excess the following: (a) Farm serial number, (b) name of operator, (c) farm allotment, (d) acreage planted to ELS cotton, and (e) total cropland.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.108 ELS cotton subject to marketing quota provisions.

Marketing quotas for each crop of ELS cotton shall be applicable to any ELS cotton of that crop notwithstanding that such cotton may be available for marketing prior to or subsequent to the marketing year which begins in the year when the ELS cotton is planted. Carryover ELS cotton marketed during any marketing year shall be subject to §§ 722.101 to 722.152 to the extent applicable.

§ 722.109 Farm marketing quotas.

The farm marketing quota for each crop year for any farm shall be that number of pounds of ELS lint cotton produced on the farm less the amount of the farm marketing excess for such crop year. In addition, ELS lint cotton which producers have on hand from any previous crop (except ELS cotton on which a penalty was incurred and has not been paid) may also, when properly identified, be marketed penalty free.

§ 722.110 Amount of farm marketing excess.

The farm marketing excess for each crop year shall be the normal production of the acreage planted to ELS cotton on the farm in excess of the farm allotment for such crop year. For a farm having a zero allotment or no allotment, the entire acreage planted to ELS cotton shall be used in determining the farm marketing excess for such crop year. Where it is established to the satisfaction of the county committee, by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.112 that the actual production of ELS cotton on the farm in a crop year is less than the normal production of the acreage planted to ELS cotton on the farm in such crop year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment.

§ 722.111 Notice of farm marketing quota and farm marketing excess.

Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm for any crop year shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the ELS cotton produced or to be produced on the farm in such crop year. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.112 Farm marketing excess adjustment.

(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the ELS cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such ELS cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 (June 15 for the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted. If the harvesting of ELS cotton on the farm has not been completed by March 15 (June 15 for the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested ELS cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.110 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no ELS cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each applica-

tion on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the ELS cotton acreage on the farm for the crop year in question must have been made before the county committee approves a determination of the actual production of ELS cotton on the farm. The actual production of ELS cotton in such crop year on any farm shall be determined in view of the relevant facts, including the measured acreage planted to ELS cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning, and sales of the ELS cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of ELS cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of ELS cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. The determination made by the county committee under this paragraph shall be subject to approval by a representative of the State committee. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the expiration date for filing application for the crop year under paragraph (a) of this section, any producer having an interest in the ELS cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.110 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.113 Publication of the farm allotment, normal yield, marketing quota, and marketing excess.

A record of the farm allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be kept readily available in the office of the county committee for public inspection for a period of not less than 30 calendar days. At the end of such period, the records shall be filed in the office of the county committee and remain readily available for further public inspection. Copies of notices, or other compilations upon which the pertinent data are shown may be used for this purpose.

§ 722.114 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm except as specifically provided in the applicable acreage allotment regulations for release and reapportionment pursuant to section 344 of the act and transfer of allotments pursuant to section 378 of the act. Under sections 345 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.108 to 722.116 for a crop of ELS cotton may not be used in whole or in part in connection with the marketing of upland cotton.

§ 722.115 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which ELS cotton was planted in a crop year but for which a farm ELS cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of ELS cotton and to the restrictions on the marketing of such cotton.

§ 722.116 Review of quotas.

(a) *Review committee.* Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.111 or § 722.112, have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act. Unless such application is made within such 15 days, the determination of the county committee shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee. If a determination of the county committee for the crop year, as for example, the farm allotment, has previously been reviewed by a review committee, and such determination as approved by the review committee has become final under the Marketing Quota Review Regulations, it may not be reconsidered in a subsequent review proceeding concerning the farm marketing quota and farm marketing excess. In all cases, the review committee shall consider only such matters as, under the applicable provisions of the act and the applicable regulations in this part, are required or permitted to be considered by the county committee in determining the farm marketing quota or farm marketing excess.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

Marketing Cards, Marketing Certificates and Loan Documents

§ 722.117 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any producer on a farm, or an official of a

publicly owned agricultural experiment station, shall be eligible to receive a marketing card for each crop of ELS cotton if for such crop (1) no farm marketing excess is determined for the farm or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer for the county in which the farm is located, except that a marketing card shall not be issued under subparagraphs (1) or (2) of this paragraph if any producer on the farm has on hand any ELS cotton produced in previous crop years on which the penalty was incurred and has not been paid. For the 1960 crop year an eligible producer interested in the ELS cotton production on a farm shall be eligible to receive a marketing card, identified as Form MQ–76 ELS Cotton, for such farm: *Provided, however,* That an eligible producer interested in the ELS cotton production on any farm who is not eligible for price support or who is eligible for price support only upon approval of the price support documents by the county committee shall be eligible to receive only a marketing card identified as Form MQ–76–R ELS Cotton.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is an ELS cotton producer on more than one farm in a county in a crop year shall not be eligible to receive a marketing card for any such farm in the county for such crop year until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, if the county office manager determines that such issuance will serve a useful purpose. Any producer may be denied a marketing card if the county committee determines that, in order to enforce the provisions of the act, such producers should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of ELS cotton in more than one county in the same year (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed in such year with respect to all such farms, wherever situated, to the extent deemed necessary by the respective county committees to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of ELS cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm for any year if he is eligible to receive it under the foregoing provisions of this section unless the operator is not a producer, in such case the card will be issued only on the request of the operator, and if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards for such year shall also be issued to other eligible producers on the farm. Each serially numbered marketing card when completed shall show: (1) The State and county code and farm serial number; (2) the name and address of the farm operator or other eligible producer; (3) the name and address of the county office; and (4) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature.

(e) *Designation of agent to use marketing card.* If a producer designates a person who is not a producer on the farm as agent to use his marketing card, he shall submit and file with the county committee a Power of Attorney covering such designation. It shall be the duty of the buyer to ascertain that such a Power of Attorney is on file before acquiring ELS cotton from any purported agent of the producer.

(f) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having ELS cotton exempt from the penalty as provided in the applicable acreage allotment regulations, issue a marketing card for such experiment station.

§ 722.118 Marketing certificates and loan documents.

(a) *Use of marketing certificates.* A marketing certificate (Form MQ–91—Cotton (ELS)) shall be issued to a producer upon his request to permit the marketing of ELS cotton (1) by any such producer (i) who has an unexpired marketing card for use in identifying the ELS cotton to be marketed or is eligible to receive such a marketing card and who desires to market such cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who desires to market ELS cotton which he has on hand from any prior crop, except ELS cotton from a previous crop on which the penalty was incurred and has not been paid; (iii) who desires to market ELS cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.117(b) because he or another producer on such farm is also an ELS cotton producer on a farm with a farm marketing excess and the penalty has not been paid; or (iv) who desires to market his share of the ELS cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has ELS cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.124. In instances where the acreage planted to ELS cotton on the farm has not been determined through no fault of the operator, and he, in applying for marketing certificates, certifies that he has ELS cotton produced in that crop year available for marketing and that to the best of his knowledge and belief the acreage planted to ELS cotton on the farm does not exceed the farm allotment, the county committee or the county office manager may issue marketing certificates for his farm in a total amount not exceeding the product of the farm allotment for that crop year multiplied by the smaller of the county normal yield per acre for that crop year or the estimated actual yield per acre for such crop year on the farm. Also, certificates shall be issued in any case where a person has loose ELS cotton such as field scrap ELS cotton, sample trimmings, floor sweepings, and ELS cotton picked up from the roadside provided that such person establishes to the satisfaction of the county committee that such cotton was acquired through normal off-farm handling or trade customs, was field scrap ELS cotton, was waste ELS cotton picked up on the roadside or similar location, or was acquired in some other similar manner.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the county and State and the farm serial number, (3) the serial number of the marketing card issued for the farm, where applicable, and the crop year in which the ELS cotton was produced, (4) the description and amount of the ELS cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature. The county committee shall, for each crop year, estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued in an amount in ex-

cess of such production as estimated or otherwise determined by the county committee. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the ELS cotton described in the marketing certificate shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carryover CCC loan ELS cotton.* Any producer who desires to sell his equity in carryover ELS cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carryover ELS cotton on which such a loan has been repaid may, as provided in § 722.124, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the ELS cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.119 Lost, destroyed, or stolen marketing cards or marketing certificates.

(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings by county office manager and county committee.* If the county office manager finds that an unexpired marketing card or certificate issued to a producer has been lost, destroyed, or stolen, he shall investigate to determine whether there has been any collusion or connivance on the part of the producer to or for whom the marketing card or certificate was issued to fraudulently obtain a second marketing card or certificate. If investigation discloses no evidence of collusion or connivance, a replacement marketing card or certificate may be issued to the producer by the county office manager and a notice in writing canceling the lost, destroyed, or stolen marketing card or certificate shall be signed by the county office manager and mailed to the last known address of such producer. Where circumstances appear to warrant investigation by the county committee before a replacement marketing card or certificate is issued, the case should be referred to the county committee for a determination as to the action to be taken. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case the lost, destroyed, or stolen marketing card or certificate is not recovered promptly, the county office manager shall notify the ginner-buyers, buyers, and Commodity Credit Corporation loan clerks in the county or in the immediate market area that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager and of any action by the county committee shall be kept among the county office records. Any person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.120 Cancellation of marketing cards and marketing certificates.

(a) *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return, the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. The county office manager shall notify the ginner-buyers, buyers, and Commodity Credit Corporation loan clerks in the county, or in the immediate market area that the marketing card or certificate has been canceled. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office.

(b) *Cancellation of marketing cards which may be misused.* In the event the county committee determines that a marketing card has been, or will be, misused such marketing card shall be canceled and the producer to whom it was issued shall be so notified and requested to return it to the county office. Without awaiting its return, the county office manager shall notify the ginner-buyers, buyers, and Commodity Credit Corporation loan clerks in the county, or in the immediate market area that the marketing card has been canceled. A copy of the notice of cancellation, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. Any producer whose marketing card is canceled under this provision shall, upon his request, be issued marketing certificates in accordance with § 722.118(a).

IDENTIFICATION OF ELS COTTON

§ 722.121 Time and manner of identification.

Each producer of ELS cotton may, at the time he markets any such cotton, identify the ELS cotton to the buyer or transferee, in the manner hereinafter provided, as not subject to the penalty provided in § 722.126 and the lien for the penalty as provided in § 722.127 and any such cotton not so identified shall be taken as being subject to the penalty and the lien for the penalty as provided in § 722.125.

§ 722.122 Identification by marketing card.

A marketing card (Form MQ–76–ELS Cotton or Form MQ–76–R ELS Cotton) shall, when presented to the buyer or transferee by the producer to whom issued, or any other eligible producer on the farm, be evidence to the buyer or transferee that the ELS cotton produced on the farm in the crop year for which the marketing card was issued may be puchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.123 Identification by marketing certificate.

A marketing certificate (Form MQ–91—Cotton (ELS)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the ELS cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.124 Identification by loan document.

A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carryover ELS cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.125 ELS cotton not identified by a marketing card, marketing certificate or loan document.

All ELS cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.122, § 722.123, or § 722.124 shall be presumed to be subject to penalty and lien for the penalty and shall be taken by the buyer or transferee thereof as subject to penalty at the rate prescribed in § 722.126 and to the lien for the penalty. All ELS cotton purchased or acquired by a person which is not identified by a marketing card, marketing certificate, or loan document shall be presumed to have been marketed by a producer unless it is established that such cotton was purchased or acquired from a person other than the producer thereof. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton (ELS) and shall remit to the county committee treasurer the penalty collected or deducted from the purchase price of such cotton.

PENALTY

§ 722.126 Rate of penalty.

The rate of penalty for ELS lint cotton is the higher of 50 percent of the parity price for ELS cotton as of June 15 of the year in which the ELS cotton is planted, or 50 percent of the support price for such crop of ELS cotton as pro-

vided in sections 346(a) and 347(c) of the act. Section 722.152 will be amended annually to set forth the exact rate of the penalty for each crop year.

§ 722.127 Lien for the penalty.

Until the penalty on the farm marketing excess for any crop year is paid, all ELS cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.126 and a lien on such entire crop of ELS cotton produced on the farm shall be in effect in favor of the United States.

§ 722.128 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.129 (b), (d), or § 722.130(c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.129 Payment of penalty by producers.

(a) *Producer liable for payment of penalty.* Each producer having an interest in the crop of ELS cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of ELS cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any ELS cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 (June 15 for the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted, even though the ELS cotton is not harvested: *Provided, however,* That the penalty on any bale or lot of ELS cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.122, § 722.123 or § 722.124, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the ELS cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the ELS cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the ELS cotton produced on the farm in the crop year bears to the total amount of ELS cotton produced on the farm in such crop year. When the producer pays his proportionate share of the penalty, he shall be entitled to received marketing certificates issued in accordance with § 722.118 for his share of the ELS cotton crop produced on the farm in such crop year: *Provided, however,* That the producer shall remain liable for the remainder of the penalty on the farm marketing excess, notwithstanding any apportionment under this paragraph.

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.130 Payment of penalty by buyers and transferees.

(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States (including Puerto Rico) who buys or acquires from the producer any ELS cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. ELS cotton shall be presumed to be subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76–ELS Cotton or Form MQ–76–R ELS Cotton), a marketing certificate (Form MQ–91—Cotton (ELS)), or a loan document as provided in §§ 722.122, 722.123, and 722.124.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States (including Puerto Rico) who buys or acquires ELS cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the ELS cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which such cotton was marketed. ELS cotton shall be deemed to be sold when either title to or actual or constructive possession of the ELS cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. ELS cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the ELS cotton is being bartered or exchanged. ELS cotton shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the ELS cotton to the transferee during the lifetime of the producer. ELS cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts ELS cotton into an article of trade and thereby causes the ELS cotton to lose its identity as ELS lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from ELS cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any ELS cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the ELS cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton (ELS).

§ 722.131 Remittance of penalty to the county committee treasurer.

The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Commodity Stabilization Service, U.S.D.A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

§ 722.132 Deposit of funds.

All funds received by the county committee treasurer in connection with penalties for ELS cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Commodity Stabilization Service, U.S.D.A., and transmit such check to the State committee. The

county committee treasurer shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the ELS cotton in connection with which the funds were remitted.

§ 722.133 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee and the county committee treasurer, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every ELS cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the ELS cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county committee treasurer shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.134 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to ELS cotton is duly filed in accordance with section 372 of the act and the regulations pertaining to Refunds of Penalties Erroneously, Illegally, or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas (§§ 714.21 to 714.28 of this chapter; 13 F.R. 6210, Oct. 22, 1948; 19 F.R. 395, Jan. 22, 1954), as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.135 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.101 to 722.152 to the county committee treasurer when collected. The State administrative officer shall report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.136 Records to be kept and reports to be made by ginners.

(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Ginner's record of ELS cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of ELS cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the ELS cotton was produced; (3) the name of the producer of the ELS cotton; (4) the name and address of the person who delivered the ELS cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the ELS cotton as furnished; (5) the county and State in which the farm on which the ELS cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; and (8) the gross weight of each bale of ELS cotton and the net weight of each lot of ELS lint cotton less than a bale ginned by the ginner.

(c) *Requests for reports.* Each ginner, upon written request of the State committee, State administrative officer, or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to ELS cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee, State administrative officer, or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county committee treasurer designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

§ 722.137 Records to be kept and reports to be made by buyers.

(a) *Necessity for records and reports.* Each person who buys or acquires ELS seed cotton or ELS lint cotton from the producer thereof in conformity with section 373(a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of ELS cotton, and each lot of ELS cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and in the case of ELS seed cotton purchased, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of ELS lint cotton in each bale, and each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.101 to 722.152 and the amount of penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the ELS cotton was not identified in the manner provided in §§ 722.101 to 722.152 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records as required by this paragraph. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ-100—Cotton (ELS) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with marketing of ELS cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of ELS cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.122, 722.123 and 722.124 when marketed by a producer shall, with respect to each such purchase, make a written report on Form MQ–82—Cotton (ELS) of the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the ELS cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's Copy" shall be delivered to the producer, the "Buyer's Copy" shall be retained by the buyer and the buyer shall mail or deliver the "County Office Copy" to the county committee treasurer for the county in which such cotton was produced.

(d) *Reports in connection with ELS cotton identified by marketing certificates.* The buyer of ELS cotton which is identified, when marketed, by a marketing certificate, Form MQ–91—Cotton (ELS), as provided in § 722.123, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County Office Copy" to the county committee treasurer for the county in which such certificate was issued. The "Buyer's Copy" shall be retained by the buyer and the "Producer's Copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States (including Puerto Rico), is provided for in § 722.142(b).

(e) *Receipts to producers for penalties.* Where the ELS cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the "Producer's Copy" of the executed Form MQ–82—Cotton (ELS) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County Office Copy" of Form MQ–82—Cotton (ELS) to the county committee treasurer for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, the State committee, or State administrative officer has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any ELS cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.101 to 722.152, the buyer shall, within fifteen days after a written request therefor by either the county committee, State committee, or State administrative officer is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ–100—Cotton (ELS) to the designated county committee treasurer with respect to ELS cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of ELS cotton, and each lot of ELS cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and, in the case of ELS cotton purchased in the seed, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.101 to 722.152 and the amount of any penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if the ELS cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The county committee treasurer for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (ELS) in connection with the purchase of ELS cotton marketed without the use of the means of identification provided by §§ 722.101 to 722.152 may be mailed or delivered directly to the county committee treasurer from whom the blank copy of the form was obtained.

§ 722.138 Records to be kept and reports to be made by transferees.

Each transferree who acquires ELS seed cotton or ELS lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.137. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.139 Records to be kept by warehousemen, processors and others.

Each warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

§ 722.140 Availability of records kept by ginners, buyers, transferees, warehousemen, and others.

Each ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person as defined in section 373(a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. The records to be kept pursuant to the provisions of §§ 722.136, 722.137, 722.138, and 722.139 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the ELS cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or by the director.

§ 722.141 Penalty for failure or refusal to keep records or make reports.

Any ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.136, § 722.137, § 722.138, or § 722.139 or who makes any false report or false record shall, as provided for in section 373(a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject

to a fine of not more than $500 for each such offense.

§ 722.142 Records to be kept and reports to be made by producers.

(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, ELS cotton which is subject to the provisions of §§ 722.101 to 722.152 shall, in conformity with section 373(b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the cotton is planted, or for such longer period of time as may be requested in writing by the State administrative officer or by the director.

(b) *ELS cotton marketed to persons not within the United States.* In each case where ELS cotton for which a marketing certificate has been issued pursuant to § 722.118 is marketed to any person not within the United States (including Puerto Rico) the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States (including Puerto Rico). The producer shall retain the "Producer's Copy" of the certificate. Not later than 15 calendar days next succeeding the day on which the ELS cotton was marketed the "County Office Copy" and the "Buyer's Copy" shall be mailed or delivered by such producer to the county committee treasurer for the county in which the certificate was issued.

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (ELS) in the following cases: (1) where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.112 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of ELS cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established by the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.101 to 722.152 and requests such report in writing. Upon written requests by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (ELS), the operator of the farm shall make the report in the manner specified in this paragraph not later that the date designated by such committee in its request. Form MQ–98—Cotton (ELS) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of ELS cotton was completed on the farm, the date of the last ginning of ELS cotton produced on the farm, and the acreage planted to ELS cotton on the farm; (ii) the total number of pounds of ELS lint cotton ginned from the crop of ELS cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of ELS seed cotton of the crop marketed; (v) the total amount of ELS lint cotton of the crop marketed; (vi) the amount of unmarketed ELS cotton of the crop on hand; (vii) the total number of pounds of ELS lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop ELS lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The county committee treasurer for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.143 Data to be kept confidential.

Except as provided in § 722.148 all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.136 to 722.140, inclusive, and § 722.142 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any ELS cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.144 Enforcement.

The county office manager shall report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.101 to 722.152 and so to report each case of making any false report or record. The State administrative officer shall report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.145 ELS cotton produced by publicly owned agricultural experiment stations.

The conditions under which ELS cotton produced by publicly owned agricultural experiment stations shall be exempted from penalty shall be determined pursuant to applicable acreage allotment regulations.

§ 722.146 Revision of county committee determinations and erroneous notices.

(a) *Revision of determinations.* In any case where a determination of the county committee under §§ 722.101 to 722.152 is found to be in error, the county committee on its own motion or upon request of a representative of the State office, shall revise such determinations.

(b) *Erroneous notice of ELS cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of ELS cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State administrative officer. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.147.

(c) *Erroneous notice of planted acreage.* In any case where it is discovered after all the ELS cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to ELS cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations.

(3) The incorrect notice was the result of an error made by an employee of the

county or State office in reporting, computing, or recording the ELS cotton acreage for ELS cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to ELS cotton on the farm will be considered as an acreage equal to the farm allotment.

§ 722.147 No credit for overplanting the farm allotment.

Any acreage planted to ELS cotton in any crop year in excess of the farm allotment for such crop of ELS cotton shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of ELS cotton.

§ 722.148 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton allotments all records pertaining to ELS cotton allotments and marketing quotas.

§ 722.149 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.136 to 722.140, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the countersignature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U.S.C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.101 to 722.152.

§ 722.150 Delivery of notices in Puerto Rico.

Notwithstanding the provisions of §§ 722.101 to 722.152 where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for therein, use shall be made of such other method of service as is avaliable; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.151 County normal yields for each crop year.

This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.102(a)(16).

§ 722.152 Penalty rate for each crop year.

This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.126.

(a) *Penalty rate for 1960 crop.* The parity price for ELS cotton effective as of June 15, 1960, is 82.5 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for 1960 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop. Such per centum was 75 percent. No increased price support levels for 1960 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly, if the support price for 1960 crop ELS cotton were determined on the basis of the June 15, 1960, parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1960. Thus, the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.126 hereof in calculating the rate of penalty for 1960 crop ELS cotton. Such rate of penalty shall be 41.2 cents per pound of ELS lint cotton.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 23d day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6002; Filed, June 28, 1960; 8:50 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops

MISCELLANEOUS AMENDMENTS

Basis and purpose. Section 346(a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. The purpose of this amendment is to establish and include in the regulations the exact rate of penalty per pound of upland cotton for the 1960 crop of such cotton. Section 365 of the act, as amended by Public Law 86-507 (June 11, 1960) provides that review committee determinations may be served on the farmer by registered mail or certified mail. The type of mailing service to be used is governed by the regulations in Part 711 of this chapter and reference to such types of mailing service is being deleted from § 722.16(b).

The provisions of §§ 722.1 to 722.51 were published in the FEDERAL REGISTER of June 9, 1960 (25 F.R. 5134) without waiver of the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Since upland cotton of the 1960 crop is presently being harvested in the southernmost areas of the United States, it is necessary that §§ 722.1 to 722.51 be made effective as soon as possible and the "Basis and purpose" paragraph is amended to waive such 30-day effective date requirements.

It is necessary that this amendment be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops (25 F.R. 5134) are hereby amended as follows:

1. The "Basis and purpose" paragraph of the regulations contained in F.R. Document No. 60-5249, published on Thursday, June 9, 1960 (25 F.R. 5134) is amended by addition of a paragraph at the end thereof to read as follows:

Since upland cotton of the 1960 crop is presently being harvested in the southernmost areas of the United States, it is essential that §§ 722.1 to 722.51 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and §§ 722.1 to 722.51 shall be effective upon filing of Amendment 1 to the regulations with the Director, Office of the Federal Register.

2. Section 722.16(b) is amended by deleting the phrase "by registered mail".

3. Section 722.51 is amended by addition of a new paragraph (a) at the end thereof to read as follows:

(a) *Penalty rate for 1960 crop.* The parity price for cotton effective as of June 15, 1960, is 38.89 cents per pound. The rate of penalty for cotton produced in 1960 as calculated on the basis of such parity price and in accordance with the provisions of § 722.26 shall be 19.4 cents per pound of lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 346, 365; 52 Stat. 38, 63, as amended; 63 Stat. 674; 7 U.S.C. 1301, 1346, 1365)

Issued at Washington, D.C., this 23d day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6003; Filed, June 28, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 375; Civil Air Regs. Amdt. 60-18]

PART 60—AIR TRAFFIC RULES

Rescission of Amendments 60-14 and 60-14A

Draft Release No. 60-8, published as a notice of proposed rule making in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4083) gave notice that the Federal Aviation Agency proposed to adopt a new amendment to Part 60 for the establishment of the base of controlled airspace and, in a separate action, to rescind Amendments 60-14 and 60-14A.

The reasons for the rescission of the amendments and the adoption of a new amendment were set forth in detail in the draft release. The Agency proposed to rescind Amendments 60-14 and 60-14A and, in their place, to adopt a new amendment which would more fully recognize the airspace requirements of the VFR pilot.

As stated in Draft Release No. 60-8, the Federal Aviation Agency conducted an analysis to determine the effect upon flight safety and upon the air traffic control system which would result from the implementation of Amendment 60-14. The results of that analysis indicated that modification of the existing airspace structure beyond that envisioned by Amendment 60-14 is required in order that the Agency may more fully recognize its responsibility to the VFR pilot. Since Amendment 60-14 was based on a height above the ground, it did not necessarily provide an operating area for the VFR pilot above man-made obstructions. Accordingly, a rule was developed that would provide uncontrolled airspace to permit the conduct of VFR flight above these obstructions and to permit flight in accordance with the minimum altitude requirements of § 60.17(b) of Part 60. Interested persons have been afforded an opportunity to comment and consideration is being given to all matter presented. It has been determined from a preliminary review of the comments that a final rule cannot be adopted prior to the effective date of Amendments 60-14 and 60-14A.

The majority of the comments received in response to Draft Release No. 60-8 either endorsed the proposed rescission of 60-14 and 60-14A or posed no objection to such action. Therefore, it has been determined that, in the public interest, pending the adoption of a new amendment, retention or further extension of those amendments would serve no useful purpose. It has also been determined that a public hearing will be held on or about August 10, 1960, to give all interested persons an opportunity to present fully their views and alternate suggestions, if any, with respect to the new proposal. Formal notice will be given in the FEDERAL REGISTER as to the exact date and location of the public hearing; however, this will serve as a preliminary notice of the public hearing and will provide those who desire to participate the maximum period of time for preparation of their presentation.

In order to prevent any misunderstanding concerning the effectiveness of Amendment 60-14, a Notice to Airmen is being disseminated to provide the user public more complete notice of the fact that Amendment 60-14 is rescinded.

In consideration of the foregoing, Civil Air Regulations Amendments 60-14 and 60-14A (24 F.R. 6, 11078) are hereby rescinded effective June 30, 1960.

(Secs. 313(a), 307(a), 307(c); 72 Stat. 752, 749, 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on June 23, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-6008; Filed, June 28, 1960; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7298]

PART 13—PROHIBITED TRADE PRACTICES

Nate Gellman et al.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nate Gellman et al. doing business as Gellman Brothers, Minneapolis, Minn., Docket 7298, May 23, 1960]

In the Matter of Nate Gelman, Burt Horwitz and Peter Podany, Individually and as Co-Partners Doing Business as Gellman Brothers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Minneapolis, Minn., partnership with selling and distributing lottery devices for the sale of merchandise to the public through games of chance.

Denying respondents' appeal from the initial decision, the Commission on May 23, adopted the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondents Nate Gellman, Burt Horwitz and Peter Podany, individually or as co-partners trading under the name of Gellman Brothers or any other name, and their agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punchboards or other devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Nate Gellman, Burt Horwitz and Peter Podany, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Issued: May 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5971; Filed, June 28, 1960; 8:45 a.m.]

[Docket 7473 c.]

PART 13—PROHIBITED TRADE PRACTICES

Sam Goldman et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30-30 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68-68(c), 69f) [Cease and desist order, Sam Goldman et al. trading as Excelled Sheepskin & Leather Coat Co., New York, N.Y., Docket 7473, May 13, 1960]

In the Matter of Sam Goldman and Sol Goldman, Individually and as Co-Partners Trading as Excelled Sheepskin & Leather Coat Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City manufacturer of leather jackets and coats for men and boys with violating the Wool Products Labeling Act by failing to label wool products as required; and with violating the Fur Products Labeling Act by improperly describing in advertising the fur collars on said jackets, and by failing to disclose, in labeling and invoicing, the true name of the fur-producing animal and the fact that the fur was dyed.

Granting respondents' appeal in part, the Commission on review modified the initial decision and dismissed charges of violating the Wool Products Labeling Act, and on May 13 adopted it, as so modified, as the decision of the Commission.

The order to cease and desist, substituted by the Commission, is as follows:

It is ordered, That Sam Goldman and Sol Goldman, individually and as copartners trading as Excelled Sheepskin & Leather Coat Co., or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the manufacture, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix thereto labels showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4 (2) of the Fur Products Labeling Act;

B. Falsely or deceptively invoicing fur products by failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

It is further ordered, That the charges contained in paragraph 3 of the complaint be, and they hereby are, dismissed without prejudice.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as modified.

Issued: May 13, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5972; Filed, June 28, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPYLENE GLYCOL ALGINATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Kelco Company, 8225 Aero Drive, San Diego 11, California, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive propylene glycol alginate. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500), Part 121 is amended by adding to Subpart D (21 CFR Part 121) the following new section:

§ 121.1015 Propylene glycol alginate.

The food additive propylene glycol alginate may be used as an emulsifier, stabilizer, or thickener in foods in accordance with the following prescribed conditions:

(a) The additive is the ester of alginic acid and propylene glycol, containing up to 85 percent of the carboxylic acid groups esterified with the remaining groups either free or neutralized.

(b) Is is used or intended for use, in accordance with good manufacturing practice, as an emulsifier, stabilizer, or thickener in foods, except confectionery and except in those standardized foods that do not provide for such use.

(c) To insure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "propylene glycol alginate" or "propylene glycol ester of alginic acid."

(2) Adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: June 23, 1960.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 60-5989; Filed, June 28, 1960; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Regulation No. 41]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart B—Acceptance of State Certificates

DESIGNATION OF STATES; EFFECTIVE DATE

Pursuant to 29 CFR 4.6, providing that where the Director of the Bureau of Labor Standards finds that the age, employment, or working certificates or permits to be issued by or under the supervision of a state agency are substantially in accordance with the provisions of 29 CFR 4.3 and 4.4 the Secretary of Labor may designate the state involved as a state in which certificates or permits so issued shall have the force and effect specified in 29 CFR 4.2, the designation of states set forth in 29 CFR 4.21 is hereby extended and shall be effective from July 1, 1960, through June 30, 1961, unless this designation is amended or revoked hereinafter prior to June 30, 1961.

(Secs. 3, 11, 52 Stat. 1060, as amended; 52 Stat. 1066, as amended; 29 U.S.C. 203, 211)

Signed at Washington, D.C., this 23d day of June 1960.

JAMES T. O'CONNELL, *Acting Secretary of Labor.*

[F.R. Doc. 60-5976; Filed, June 28, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2133]

[1935558]

ALASKA

Withdrawing Lands for Use of the Bureau of Land Management as an Administrative Site; Withdrawing Lands for Townsite Purposes; Partially Revoking Public Land Order No. 255 of December 15, 1944; Partially Revoking Air Navigation Site Nos. 162 and 172

By virtue of the authority vested in the President by Section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), as amended, and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved as follows:

(a) For use of the Bureau of Land Management as an administrative site:

(FAIRBANKS 022686)

MCGRATH AREA

Beginning on Line 2–3, U.S. Survey 1962 (Northern Commercial Company Land at McGrath, Alaska, leased by C.A.A.) where it intersects west ditch line of the road lying parallel to, and east of, the North South runway of the McGrath Airfield; thence east along Line 3–2 of U.S. Survey 1962, 1,300 feet to Corner No. 2, U.S. Survey 1962; thence South 330 feet; thence West 1,300 feet to west ditch line of said road; thence, North 330 feet to the Point of Beginning.

Containing 9.85 acres.

(b) For townsite purposes, to be hereafter disposed of under applicable townsite laws:

(FAIRBANKS 07195)

GALENA TOWNSITE AREA

Beginning at Meander Corner No. 2, U.S. Survey No. 2627, Air Navigation Site Withdrawal No. 172; thence by metes and bounds,

Following the meandered line 2–3, U.S. Survey 2627,
S. 88°55′ W., 793.32 feet;
N. 82°15′ W., 990.00 feet;
N. 74°45′ W., 686.40 feet;
N. 73°30′ W., 719.40 feet;
N. 70°30′ W., 215.00 feet to the intersection of the toe of the Galena Dike Slope;
Following the toe of the Galena Dike Slope,
S. 83°53′ E., 717.00 feet;
N. 89°30′ E., 2,020.00 feet;
N. 55°50′ E., 180.00 feet;
N. 89°30′ E., 3,046.00 feet;
N. 71°23′ E., 1,637.00 feet;
South, 230.00 feet to a point on the meandered line 8–9, U.S. Survey No. 2627;

Following the meandered line 8–9, U.S. Survey No. 2627,
S. 74°45′ W., 358.00 feet;
S. 72°15′ W., 435.60 feet;
S. 70°00′ W., 772.20 feet;
S. 67°30′ W., 336.60 feet;
S. 74°30′ W., 858.00 feet;
S. 76°15′ W., 217.80 feet;
S. 87°45′ W., 1,290.00 feet approximately, to Meander Corner No. 2, U.S. Survey No. 2627 and the Point of Beginning.

Containing 65.91 acres.

2. The withdrawal made by Paragraph 1(a) of this order shall take precedence over but not otherwise affect the existing reservation of the lands as Air Navigation Site Withdrawal No. 145.

3. The Departmental order of December 31, 1941, which established Air Navigation Site Withdrawal No. 172, Alaska, is hereby revoked so far as it affects the lands described in Paragraph 1(b) hereof.

4. Public Land Order No. 255 of December 15, 1944, which withdrew lands for use of the War Department for military purposes is hereby revoked so far as it affects the following-described lands:

NAKNEK

Beginning at a point, latitude 58°39′ N., longitude 156°52′ W.

From the Point of Beginning,
East, 6 miles;
North, 6 miles;
West, 6 miles, to longitude 156°52′ W.;
South, 6 miles, to the Point of Beginning.

Containing approximately 23,040 acres.

MCGRATH

Beginning at the point of intersection of latitude 62°55′ N., with the center line of the deep water channel of the Kuskokwim River, approximate longitude 155°33′ W.

From the Point of Beginning,
East, 2.25 miles;
North, 3 miles;
West, 1.12 miles, to the center line of the deep water channel of the Kuskokwim River;
Southwesterly, 14.5 miles, downstream along center line of the deep water channel of the Kuskokwim River, to the Point of Beginning.

The area described, including both public and nonpublic lands, contains approximately 7,552 acres.

NORTHWAY

Beginning at a point in latitude 63°00′ N., longitude 142°00′ W.

From the Point of Beginning,
South, 3.5 miles;
East, 3 miles;
North, 3.5 miles;
West, 3 miles, to the Point of Beginning.

Containing approximately 6,720 acres.

GALENA

Beginning at a point from which corner No. 2, Survey No. 2023, Alaska, bears south 3.5 miles.

From the Point of Beginning,
East, 1.5 miles;
South, 3.7 miles, to middle of the Yukon River;
Northwesterly, 7.3 miles, along the middle of the Yukon River, to a point due west of the Point of Beginning;
East, 3 miles, to the Point of Beginning.

Containing approximately 9,700 acres.

5. The Departmental order of June 25, 1941, which established Air Navigation Site Withdrawal No. 162, is hereby revoked so far as it affects the following-described lands:

(FAIRBANKS 023814)

NORTHWAY AIRFIELD

Tract B

Beginning at Corner No. 6 of U.S. Survey 2630, thence
N. 60°00′ W., 7,400 feet;
N. 76°05′ E., 3,665 feet;
S. 60°00′ E., 4,658 feet;
S. 30°00′ W., 2,640 feet to the point of beginning.

Containing approximately 365 acres.

6. Portions of the lands released from withdrawal by Paragraph 4 of this order are included in other withdrawals, and 365 acres at Naknek is under application for withdrawal for use of the Federal Aviation Agency (Anchorage 046709). For detailed information concerning the status of any of the lands described in this order, inquiry should be made of the appropriate official of the Bureau of Land Management referred to in the final paragraph hereof.

7. Subject to any valid existing rights, to the provisions of existing withdrawals, and the requirements of applicable law, the lands released from withdrawal by this order and not rewithdrawn by Paragraph 1, are hereby opened to settlement and to filing of applications, selections, and locations in accordance with the following (the unsurveyed lands being opened to such applications, selections, and locations as may by law be made for unsurveyed lands):

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 22, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85–508).

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska under Paragraph 7(a)(2), and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, and selections and offers filed after that

hour will be governed by the time of filing.

b. The lands will be open to settlement under the homestead and Alaska homesite laws, to applications and offers under the mineral leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on September 22, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska, except for lands at Naknek, with respect to which inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1960

[F.R. Doc. 60-5974; Filed, June 28, 1960; 8:46 a.m.]

[Public Land Order 2134]

[1761619]

ALASKA

Partly Revoking Executive Order No. 8102 of April 29, 1939 (Fort Richardson)

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8102 of April 29, 1939, so far as it reserved the following described lands under the control and jurisdiction of the War Department for use as a military reservation is hereby revoked:

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Sec. 13;
Sec. 14, lots 17 to 22, 26 to 30, 33 to 41, 45 to 61, 65 to 78, 82 to 97, 101 to 116, 120 to 127, all inclusive;
Sec. 23, E½;
Sec. 24.

The areas described aggregate 1,856.53 acres.

2. Subject to valid existing rights and to the provisions of existing withdrawals, the lands until 10:00 a.m., on September 22, 1960, shall be subject only to selection by the State of Alaska, in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. Subject to the selection rights of the State of Alaska, the lands are hereby classified for lease or sale under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended. In accordance with subsection 1(a) of the amendatory Act of June 4, 1954 (68 Stat. 173, 174), the lands, by virtue of this classification, shall not be subject to appropriation under any other public land law (except selection by the State of Alaska) unless this classification be revised or other disposition be authorized. If, within 18 months from the date of this order no application has been filed for the purpose for which the lands are classified, an order will be issued restoring the lands to appropriation under the applicable public land laws.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1960.

[F.R. Doc. 60-5975; Filed, June 28, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

PART 701—AVAILABILITY OF OFFICIAL RECORDS

SUBCHAPTER C—PERSONNEL

PART 720—PROCEEDINGS IN CIVIL COURTS

Amendments

Scope and purpose: Part 701, Availability of Official Records, and Part 720, Proceedings in Civil Courts, are amended to reflect pertinent functions of the Office of the Judge Advocate General, West Coast, San Bruno, California, in accordance with current regulations of the Department of the Navy.

§ 701.3 [Amendment]

1. Section 701.3(a) is revised to read as follows:

(a) Whether or not litigation is involved, persons in the naval service, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties, may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests except requests for medical records shall be referred to the Judge Advocate General or, in the 11th, 12th, 13th, 14th, and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast. Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 41 of this title, as implemented by the Manual of the Medical Department (see also paragraph (b) of this section). If in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General.

2. Section 720.4a reading as follows is inserted between current §§ 720.4 and 720.5:

§ 720.4a Authority of the Director, Office of the Judge Advocate General, West Coast.

In the Eleventh, Twelfth, Thirteenth, Fourteenth and Seventeenth Naval Districts, the Director, Office of the Judge Advocate General, West Coast, is authorized to act for the Judge Advocate General under § 720.2(b), under § 720.3 if delivery is within the scope of § 720.2, and under § 720.4(a).

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Captain, U. S. Navy, Acting Judge Advocate General of the Navy.

JUNE 23, 1960.

[F.R. Doc. 60-6004; Filed, June 28, 1960; 8:50 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-45]

PART 171—STANDARDS FOR NUMBERING

Virginia System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 6, 1960, approved the Virginia system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Virginia system shall be operative on and after July 1, 1960. On that date the authority to number motorboats principally used in the State of Virginia will pass to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Virginia. On and after July 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Virginia will be required to be reported to the Commission of Game and Inland Fisheries, Richmond, Virginia, pursuant to Chapter 500, Acts of the Assembly, 1960, approved March 31, 1960, and the "Boating Safety Act Regulations" (Regulations No. 135) approved and adopted by the Commission of Game and Inland Fisheries.

Because the amendments to §§ 171.01-6(b), and 171.10-1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making pro-

cedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 1, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01–6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Virginia" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10–1 *To whom made,* is amended by inserting in the list of States having approved numbering systems the State of "Virginia."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60–5999; Filed, June 28, 1960; 8:49 a.m.]

[CGFR 60–46]

PART 171—STANDARDS FOR NUMBERING

Massachusetts System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 10, 1960, approved the Massachusetts system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Massachusetts system shall be operative on and after June 15, 1960. On that date the authority to number motorboats principally used in the State of Massachusetts passed to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Massachusetts. On and after June 15, 1960, all reports of "boating accidents" which involve motorboats numbered in Massachusetts will be required to be reported to the Division of Motorboats, The Commonwealth of Massachusetts, 100 Nashua Street, Boston, Massachusetts, pursuant to Chapter 275, Massachusetts Acts of 1960, approved April 1, 1960, and the "Rules and Regulations for the Numbering of Undocumented Vessels, and the Reporting of Boating Accidents" of the Massachusetts Division of Motorboats.

Because the amendments to §§ 171.01–6(b), and 171.10–1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of June 15, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01–6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Massachusetts" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10–1 *To whom made,* is amended by inserting in the list of States having approved numbering systems the State of "Massachusetts."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60–6000; Filed, June 28, 1960; 8:49 a.m.]

[CGFR 60–47]

PART 171—STANDARDS FOR NUMBERING

Maryland System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 14, 1960, approvide the Maryland system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Maryland system shall be operative on and after July 3, 1960. On that date the authority to number motorboats principally used in the State of Maryland will pass to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Maryland. On and after July 3, 1960, all reports of "boating accidents" which involve motorboats numbered in Maryland will be required to be reported to the Tidewater Fisheries Commission, State Office Building, Annapolis, Maryland, pursuant to the Maryland "State Boat Act" (HB 107) approved by the Governor on March 23, 1960, and the Maryland Boat Regulations of the Game and Inland Fish Commission and the Tidewater Fisheries Commission.

Because the amendments to §§ 171.01–6(b), and 171.10–1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 3, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01–6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Maryland" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10–1 *To whom made,* is amended by inserting in the list of States having approved numbering systems the State of "Maryland."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60–6001; Filed, June 28, 1960; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Definition of Repeater Station

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration § 10.2 of Part 10 of its rules with reference to the definition of a Repeater Station set forth therein; and

It appearing that certain changes in the wording of this definition are necessary to reflect more accurately the type of communications which may be automatically retransmitted through a Repeater Station; and

It further appearing that authority for this change is contained in sections 4 and 303 of the Communications Act of 1934, as amended; and

It further appearing that the provisions of section 4 of the Administrative Procedures Act are not applicable to this Order interpreting a regulation of the Commission;

It is ordered, That the definition "Repeater Station" in § 10.2(b) of the Com-

mission's rules is amended, effective August 1, 1960, to read as follows:

§ 10.2 Definitions.

* * * * *

(b) Definitions of stations:

* * * * *

Repeater station. An operational fixed station established for the automatic retransmission of radio communications received from any station in the Mobile Service.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5996; Filed, June 28, 1960; 8:49 a.m.]

[Docket No. 13396; FCC 60-737]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Retirement Units for Aerial Cable and Aerial Wire

1. On February 10, 1960, the Commission adopted a notice of proposed rule making in the above-entitled matter, which was published in the FEDERAL REGISTER on February 17, 1960 (25 F.R. 1414) in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment, on or before March 14, 1960 (with allowance for reply comments within 20 days thereafter) a proposal of American Telephone and Telegraph Company (AT&T), made on behalf of itself and its associated operating telephone companies, that Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules be amended to increase the lengths of aerial cable and aerial wire which are defined as retirement units in § 31.8, "List of retirement units," from "A span of cable, * * *" to "Two continuous spans or more of cable, * * *" and from "Two continuous spans or more of one wire, * * *" to "Five continuous spans or more of one wire, * * *" An accompanying editorial change in § 31.8 was proposed to make the expression "a span" appearing in quotation marks in the sentence enclosed in parentheses in the first paragraph under the cable accounts read simply "span." The Commission also proposed to amend the retirement units for aerial cable and aerial wire in Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules in exactly the same manner as was proposed for Part 31. Comments were also solicited directed to the question as to whether there are circumstances peculiar to the operations of smaller telephone companies which would make it less advisable to make the proposed amendments applicable to Class B and Class C telephone companies than for large companies. While no changes were proposed for Parts 34 (Uniform System of Accounts for Radiotelegraph Carriers) and 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules, the notice stated that any comments would be considered with respect to whether similar changes should be made in the retirement units prescribed in these systems.

2. Timely comments were received from General Telephone Service Corporation (General), the Rural Electrification Administration of the United States Department of Agriculture (REA), and United States Independent Telephone Association (USITA). Reply comments to REA's comments were received from AT&T. No comments were received as to whether it would be less advisable than for Class A telephone companies to make the proposed amendments applicable to Class B and Class C companies or with respect to similar amendments to Parts 34 and 35 of our rules. No one requested a public hearing or oral argument.

3. General requests, on behalf of itself and its associated operating telephone companies, that the proposed amendments to Part 31 be adopted. USITA states that its Accounting Committee is in complete agreement with the proposed changes in Parts 31 and 33.

4. REA questions the advisability of adopting the proposed retirement units. It suggests that retirement units expressed in terms of spans are no longer applicable. It states that, in the case of REA-financed telephone systems, span lengths vary from about 200 feet to 1,000 feet or more for long-span insulated wire construction. Thus, if retirement units are expressed in terms of spans, there is no clear line of demarcation between replacements that involve retirement accounting and those which are charged to maintenance based on the quantities or costs. REA believes that good continuing property records should state in concrete terms the units which comprise each plant account. In lieu of the present and proposed retirement units, REA recommends that the property units be established in terms of 1,000 feet for aerial wire and 200 feet for cable. These, REA states, could provide measurable units and uniform standards for credits and charges to the plant accounts where retirements and replacements are involved. With respect to cable, particularly the larger sizes, REA does not believe a larger retirement unit should be prescribed. REA also believes that, in the case of aerial wire, the use of the proposed retirement unit might create a considerable problem of varying maintenance costs and also that, unless "span" is defined in terms of average measurements, it is possible that replacement of several thousand feet of aerial wire, but less than five spans, might be treated as maintenance, while replacement of an equivalent or lesser amount representing more than five spans, might be treated as retirement and new construction. REA presumes the same complications, although to a lesser degree, might result with respect to cable.

5. AT&T, in reply to REA's comments, states that it understands REA feels that the proposed increases in minimum lengths of retirement units for aerial cable and aerial wire would be likely to cause relatively large and troublesome variations in maintenance expenses of certain telephone companies. Accordingly, AT&T believes that it might be well to permit the optional use of smaller retirement units than those specified in Part 31 and suggests that this be done by revising the first paragraph of § 31.8. AT&T further suggests that the Commission may wish to consider providing for notification from those companies that avail themselves of the option of using retirement units smaller than those specified and to consider incorporating into Part 33 the same provisions relating to the option of using smaller units.

6. As to REA's suggestion that the retirement units in question should be expressed in terms of feet rather than spans, AT&T definitely prefers to continue using retirement units for aerial cable and aerial wire that are expressed in terms of spans. AT&T has found it advantageous to have retirement units which are simple and readily identifiable, without requiring measurements. It states that the number of spans involved in a replacement of aerial cable or aerial wire is an obvious fact, most of such replacements being performed in whole span multiples, and that this in no way conflicts with maintaining continuing property records for aerial cable in terms of feet of cable and, for aerial wire, in terms of feet or miles of wire. AT&T also states there is a factor which prevents the variation in span lengths from causing a proportionate variation in the maximum cost of a replacement job accountable as maintenance. This factor is the tendency for the cross sectional cost per foot of all the cables or all the wires in an abnormally long span to be lower than in a span of average length because of the likelihood of fewer conductors in the long span. AT&T believes that cases of replacement jobs accountable as maintenance costing more than certain replacement jobs accountable as construction and removals could be entirely eliminated only by using retirement units expressed in dollars of total cost and that such a rule would be impracticable because of the burdensome record keeping or cost estimating which would be involved. AT&T believes that the Commission's proposal will have substantially the same over-all effect in the accounts as if the retirement units were established in terms of dollars of total cost.

7. The Commission is of the opinion that retirement units for aerial cable and aerial wire expressed in terms of feet would not be as practicable as units expressed in terms of spans. While spans of wire and cable vary in length, the cost per foot in a longer span, as pointed out by AT&T, is usually lower because of fewer conductors in a longer span, and therefore, the variation in span length does not cause a propor-

tionate variation in the costs of spans of various lengths. Regarding the continuing property record units in terms of which the continuing property record is maintained, the property record units are not necessarily the same as the retirement units and may be expressed in terms of feet for aerial cable and feet or miles for aerial wire. Since retirement units expressed in terms of spans for aerial cable and aerial wire are easily identified and do not require measurement in order to determine whether maintenance or retirement accounting is to be performed, the Commission believes such units to be preferable. Accordingly, Parts 31 and 33 are being amended as proposed with respect to the units prescribed. However, a provision is being added permitting the optional use of smaller retirement units upon notification to the Commission. This option will apply to all retirement units and not be limited to aerial cable and aerial wire. Thus, if any carrier feels that any prescribed retirement unit will produce undue distortion in its maintenance expenses or for some other reason believes it not advisable for its operations, it may, after so notifying the Commission, use a smaller unit. The amendment adopted further provides that if smaller retirement units are adopted, they must be consistently used and may not be further modified except after notifying the Commission.

8. It is of interest to note for the record that uniform systems of accounts for gas and electric utilities prescribed by the Federal Power Commission and by other regulatory bodies have long provided that the prescribed lists of retirement units may be expanded by the utilities but may not be condensed. In other words, the units prescribed are of maximum size and while subdivision thereof, or the addition of other units, is permitted, the combination or the increase in size of such units is enjoined. We do not intend by the amendments made herein to authorize the addition of retirement units unless they are subdivisions of prescribed units.

9. Since no comments were received on the question of whether any changes should be made in the retirement units for radiotelegraph carriers and wire-telegraph and ocean-cable carriers, no amendments of Parts 34 and 35 of our rules are being made in this proceeding.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 31 and 33 of the Commission's rules in the manner presented in the notice of proposed rule making with the exception noted in the next appearing clause; and

It further appearing that provision should be made for the optional use of smaller retirement units than those prescribed, not only with respect to aerial wire and aerial cable, but with respect to all retirement units;

It is ordered, That under authority contained in sections 4(i) and 220(a) of the Communications Act, as amended, Parts 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) and 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations are amended as follows, effective January 1, 1961.

1. Section 31.2–25(b)(1) of Part 31 is amended to read as follows:

§ 31.2–25 Telephone plant retired.

* * * * *

(b) * * *

(1) Retirement units: This group includes major items of property, a list of which is shown in § 31.8. These items may be subdivided at the option of the company as provided in § 31.8. The original cost of any such item retired shall be credited to the plant account and charged to account 171, "Depreciation reserve," whether or not replaced. (Note also paragraph (b) of account 171.) The original cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

§ 31.8 [Amendment]

2. Section 31.8 of Part 31 is amended as follows:

a. The introductory text of § 31.8 *List of retirement units* is revised to read:

The following list of retirement units shall be used in connection with the accounting provided in §§ 31.2–24 and 31.2–25, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. However, the list shall not be considered as determining the classification of the telephone plant involved. Any company electing to exercise its option of using smaller units shall notify the Commission 30 days before commencing such use or any change therein. The Commission shall also be notified 30 days before any discontinuance of the use of units smaller than those listed.

* * * * *

b. In the subsection applicable to cable accounts 242:1, 242:2, 242:3 and 242:4, delete the first retirement unit, together with the parenthetical sentence associated with it, and substitute the following:

Two continuous spans or more of cable, with or without associated suspension strand, clamps, rings, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

c. In the subsection applicable to aerial wire account 243, delete the first retirement unit and substitute the following:

Five continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.

3. Section 33.35(a)(1) of Part 33 is amended to read as follows:

§ 33.35 Telephone plant retired.

(a) *Depreciable telephone plant.* * * *

(1) *Units of property.* This group includes major items of property, a list of which is shown in § 33.81. These items may be subdivided at the option of the company as provided in § 33.81. The book cost of any such item retired shall be credited to the appropriate plant account and charged to account 2600, "Depreciation reserve," whether or not it is replaced. Account 2600 shall also be charged with the cost of removing such plant (except station apparatus and station wiring) and shall be credited with the amount received for any materials recovered and sold, or the cost (estimated if not known) of the materials if returned to stores. The cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

* * * * *

§ 33.81 [Amendment]

4. Section 33.81 of Part 33 is amended as follows:

a. The introductory text of § 33.81 *Units of property* is revised to read:

The following list of units of property shall be used in connection with the accounting provided in § 33.35, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. Any company electing to exercise its option of using smaller units shall notify the Commission 30 days before commencing such use or any change therein. The Commission shall also be notified 30 days before any discontinuance of the use of units smaller than those listed. Additions to or revisions of this list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the company.

b. In the subsection applicable to "Poles, conduit, cable, and wire (Account 1045)", immediately following the subcaption "Cable:" delete the first unit of property, together with the parenthetical sentence thereafter, and substitute the following:

Two continuous spans or more of cable, with or without associated suspension strand, clamps, rings, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

c. In the subsection applicable to "Poles, conduit, cable, and wire (Account 1045)", immediately following the subcaption "Aerial wire:" delete the first unit of property and substitute the following:

Five continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.

(Sec. 4, 48 Stat. 1066 as amended, 47 U.S.C. 154. Interpret or apply sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: June 23, 1960.

Released: June 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5997; Filed, June 28, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A-2]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area, which was issued June 17, 1960 (25 F.R. 5700), is hereby extended to July 9, 1960.

Dated: June 23, 1960, Washington, D.C.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-5980; Filed, June 28, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 11]

[Docket No. 13616; FCC 60-740]

RESTORATION OF CERTAIN BANDS TO PUBLIC SAFETY AND INDUSTRIAL RADIO SERVICES

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Following a proposal made by the United States at the International Civil Aviation Organization (ICAO) Special North Atlantic Fixed Services Meeting, Montreal, January 1957, a civil requirement was established internationally for both voice and teletypewriter channels linking Canada, southern Greenland, Iceland, and possibly the European coast using the technique of forward propagation by ionospheric scatter (FPIS). Although such facilities would not have been on U.S. territory (not licensed by the FCC), an exclusive allocation for scatter operations was considered necessary to avoid mutual interference to and from U.S. mobile operations. Such an allocation was considered further warranted by the fact that most U.S. civil aircraft flying the North Atlantic route to Europe would have benefited through use of the scatter facilities. The U.S. proposal was intended to satisfy the above-stated requirement with FPIS, at least as far east as Iceland, in support of the U.S. position in ICAO. The allocation proposal was also supported by RCA Communications, Inc., which operates a number of stations in the International Fixed Public Radio Service.

3. Pursuant to the establishment of these and other, apparent needs for a non-Government ionospheric scatter allocation and after public notification of proposed rule making in the matter, the Commission, by its First Report and Order in Docket No. 12169, adopted December 18, 1957, reallocated the bands 46.51–46.60 Mc and 49.51–49.60 Mc to the Aeronautical Fixed and International Fixed Public Services.

4. Events which have transpired since the above-mentioned Order was adopted have not justified the Commission's original belief that a non-Government ionospheric scatter allocation is needed at this time. Oral testimony developed during the Commission's recent inquiry into frequency allocations between 25 and 890 Mc, Docket No. 11997, indicates that ICAO is now committed to use proposed new submarine cables for all communications associated with the movement of air traffic over the North Atlantic in lieu of originally proposed ionospheric scatter circuits, thereby negating one of the basic purposes of the subject allocation. The Commission has received no applications for authority to use these frequencies for scatter operations. No provision was made at the recent Administrative Radio Conference, Geneva, 1959, for international use of the scatter technique on these frequencies.

5. Subsequent to the inquiry in Docket 11997 the Commission received the following petitions for rule making in the above-entitled matter:

a. Special Industrial Radio Service Association (SIRSA), filed August 24, 1959, requests reallocation of the 49.51–49.60 Mc band to the Special Industrial Radio Service.

b. T. L. James & Company, R. B. Tyler Company et al., filed September 28, 1959, also requests reallocation of the 49.51–49.60 Mc band to the Special Industrial Radio Service.

c. Forest Industries Radio Communications, filed March 3, 1960, requests reallocation of the 49.51–49.60 Mc band, including frequencies derived from channel splitting, to the Forest Products Radio Service on a shared basis with the Special Industrial Radio Service.

d. Forestry, Conservation Communications Association, filed December 14, 1959, requests reallocation of the 46.51–46.60 Mc band to the Forestry-Conservation Radio Service for use by state agencies only.

National Sand and Gravel Association and National Ready Mixed Concrete Association filed a letter with the Commission on October 29, 1959 supporting the abovementioned SIRSA petition. These petitions cited lack of use of the subject bands for scatter operations and the petitioners' increasing need for additional frequencies in this range.

6. In view of the above, the Commission hereby proposes to reallocate the 46.51–46.60 Mc and the 49.51–49.60 Mc bands to the Public Safety and Industrial Radio Services, respectively, the same services to which these frequencies were allocated immediately prior to the First Report and Order in Docket 12169.

7. It is proposed to sub-allocate the 49.51–49.60 Mc band, with 20-kc channel spacing, to the Special Industrial Radio Service, the expansion of which has demonstrated its immediate need for additional frequency space in this portion of the spectrum. Previous sharing privileges would be restored to the Forest Products Radio Service on 49.54 Mc and 49.58 Mc, but would not extend to newly assignable frequencies, 49.52 Mc and 49.56 Mc, to be derived from channel splitting in this band inasmuch as recent rule making proceedings provided for shared use by the Forest Products Radio Service of many 40-Mc Petroleum Radio Service frequencies.

8. It is also proposed to reallocate the band 46.51–46.60 Mc to the Public Safety Radio Services; however, sub-allocation of this band within the Public Safety Radio Services will be accomplished by a subsequent rule making proceeding inasmuch as further study of the various Public Safety service requirements is necessary.

9. The proposed rule making would grant, either in full or in part, each petition listed in paragraph 5 above except that of the Forestry, Conservation Communications Association, which is being considered in connection with the further study mentioned in paragraph 8 above.

10. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

11. All interested persons are invited to file, on or before August 26, 1960, comments supporting or opposing the proposals set out in this Notice and in the Appendices hereto, or submitting any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted by September 6, 1960. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

12. In accordance with the provisions of § 1.54 of the Commission's rules and

regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 23, 1960.

Released: June 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 2.104(a)(5) of the Commission's rules and regulations is amended in the bands 44.0–46.6 Mc and 47.0–49.6 Mc to read as follows in columns 7 through 11 and footnote NG51 is deleted.

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.*

* * *

(5) * * *

FEDERAL COMMUNICATIONS COMMISSION

Band (Mc)	Service	Class of station	Frequency (Mc)	Nature of SERVICES stations
7	8	9	10	11
*	*	*	*	*
44.0–46.6	Land mobile.	a. Base. b. Land mobile.	44.02–44.60 (NG45)	LAND TRANSPORTATION.
			44.62–46.58 (NG45)	PUBLIC SAFETY.
*	*	*	*	*
47.0–49.6	Land mobile.	a. Base. b. Land mobile.	47.02–47.42 (NG45)	PUBLIC SAFETY.
			47.44–47.68 (NG45)	PUBLIC SAFETY; INDUSTRIAL.
			47.70–49.58 (NG45)	INDUSTRIAL.
*	*	*	*	*

NG51 (Deleted).

Part 11, Rules governing the Industrial Radio Services, is amended as follows:

1. Section 11.104(b)(4)(ii) is amended to read:

§ 11.104 Emission limitations.

* * * * *

(b) * * *

(4) * * *

(ii) Were authorized for operation on frequencies within the range 49.60–50.00 Mc;

§ 11.352 [Amendment]

2. Section 11.352(b) is amended by adding 49.54 and 49.58 Mc to the frequency table.

§ 11.504 [Amendment]

3. Section 11.504(a) is amended by the addition of the following, in numerical order, to the frequency table:

Frequency or band	Class of station(s)	General reference	Limitations
Mc			
49.52	Base or mobile	Itinerant use	12
49.54	do	General use	
49.56	do	Permanent use	11
49.58	do	General use	

4. Section 11.506(b) is amended to read:

§ 11.506 Unlisted frequencies.

* * * * *

(b) Radio systems authorized to operate on frequencies which had previously been available for assignment within this service, but which are no longer available for assignment, may continue to operate on such frequencies under appropriate authorization until April 1, 1963.

[F.R. Doc. 60–5998; Filed, June 28, 1960; 8:49 a.m.]

[47 CFR Part 8]

SHIP RADIOTELEPHONE STATIONS

Operating Procedures and Station Records

In the matter of amendment of Part 8 of the Commission's rules with regard to operating procedures and station records of ship radiotelephone stations in the 1600–3500 kc band; Docket No. 13523.

The Commission having under consideration a petition filed by The American Waterways Operators, Inc. requesting a 90-day extension of time in which to file comments directed to the Commission's Notice of Proposed Rule Making in this Docket;

It appearing that petitioner, an association representing various operators of commercial freight boats on inland waterways, has an Electronics Committee which studies matters pertaining to the use of radio facilities and transmits recommendations to petitioner's membership in order to formulate an association policy; and

It further appearing that due to the time required for the call of the Committee meeting, exchange of views and necessity of allowing members to express their opinions, petitioner needs additional time in which to submit its comments; and

It further appearing that the petitioner's request for an extension of time in which to file comments in this proceeding is reasonable, and the public interest would be served by an extension until September 27, 1960;

It is ordered, That the petition of The American Waterways Operators, Inc. is granted and the time for filing comments in the above-entitled proceeding is hereby extended from June 27, 1960, to September 27, 1960;

It is further ordered, That reply comments must be filed on or before October 7, 1960.

Dated: June 22, 1960.

Released: June 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5995; Filed, June 28, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

SUSPENSION AND EXPULSION OF EXCHANGE MEMBERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed rule under the Securities Exchange Act of 1934 which would provide that the failure or refusal of an issuer or certain other persons to cooperate with the Commission in proceedings under section 19(a)(2) or investigations under section 21 of the Act with respect to compliance with section 12 or 13 of the Act shall be deemed a failure to comply with the provisions of the Act or the rules and regulations thereunder for the purpose of section 19(a)(2).

Section 19(a)(2) of the Act authorizes the Commission, after appropriate notice and opportunity for hearing by order to deny, to suspend the effective date of, to suspend for a period not exceeding 12 months or to withdraw, the

registration of a security if the Commission finds that the issuer of such security has failed to comply with any provision of the Act or the rules and regulations thereunder. The Commission is further authorized by section 21 of the Act to make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of the Act or any rule or regulation thereunder.

From time to time the Commission has encountered difficulty in proceedings under section 19(a)(2) in obtaining information or documents which would facilitate a determination whether an issuer has failed to comply with the provisions of the Act or the rules and regulations thereunder with respect to disclosure. This difficulty has stemmed from the failure or refusal of certain persons, particularly nonresident persons, to accept service of subpoenas to testify or to produce needed documents or from other efforts designed to obstruct the Commission. Similar difficulties have been encountered in connection with investigations under section 21 of the Act.

Section 23(a) authorizes the Commission to make such rules or regulations as may be necessary for the execution of the functions vested in it. Accordingly, in order that the purposes of the Act may not be thwarted in such cases the Commission is considering the proposed rule which would provide a basis for the issuance of an order under section 19(a)(2) of the Act denying, suspending or withdrawing the registration of a security in any case in which the issuer, its officers, directors, employees or controlling persons fail or refuse to cooperate with the Commission in the proceeding or investigation.

The text of the proposed § 240.19a2-1 (rule 19a2-1) is as follows:

§ 240.19a2-1 Effect of certain conduct by certain persons.

If any issuer, any officer, director or employee of such issuer, or any person controlling such issuer, shall hinder, delay or obstruct any proceeding under section 19(a)(2) of the Act, or any investigation under section 21 of the Act, with respect to compliance with section 12 or 13 of the Act by such issuer, or shall fail or refuse to cooperate with the Commission in such a proceeding or investigation, such conduct shall be deemed a failure to comply with the provisions of the Act and the rules and regulations thereunder for the purposes of section 19(a)(2) of the Act.

The foregoing rule would be adopted pursuant to the Securities Exchange Act of 1934, particularly sections 19(a)(2), 21 and 23(a) thereof.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before July 25, 1960. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 23, 1960.

[F.R. Doc. 60-5978; Filed, June 28, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

Delegations of Authority With Respect to Finance

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements set forth apply as a portion of the directives system of the Bureau of Commercial Fisheries. Such material follows the format of the Bureau's manual and is to be included therein. Material that relates solely to internal management has not been included.

SERIES 2000—ADMINISTRATIVE SERVICES

TITLE 2200—FINANCE

Chapter 2210—Policy and Delegations of Authority

2211.2 *Delegation.* The Assistant Director, Chief, Division of Administration, Regional and Area Directors, and such others as are specified in this delegation, are severally authorized, unless specifically excepted to the extent stated in each case, to exercise the authority of the Director, with respect to the administrative matters listed herein.

A. *Certifying officers.* Designate certifying officers under 31 U.S.C. 82b, (Secretary's Order No. 2807, dated December 29, 1955).

B. *Telephone calls.* Make certification with respect to long distance telephone calls pursuant to 31 U.S.C. 680a. Authorized certifying officers and station chiefs are authorized to make such a certification (205 DM 5.4).

C. *Telephone service.* Authorize or approve in writing payments for telephone service in the private residences of officers and employees of the Bureau at field installations, pursuant to 31 U.S.C. 679, when the nature of the work of the field officers or employees, in whose residences such telephone service is maintained, requires the use of such service for efficient conduct of the official business of the Department (205 DM 5.2).

2211.3 *Appropriation withdrawals and credits.* Only the Chief, Division of Administration, may approve SF–1151, Appropriation Transfer Authorization, in connection with non-expenditure transactions made pursuant to section 1210 of the General Appropriation Act of 1951 (64 Stat. 595, 765); 7 GAO 2030; and Special Letter No. 527 of the Chief Disbursing Officer, Treasury Department (205 DM 6.2): *Provided,* That this authorization shall not extend to SF–1151's in connection with the transfer of funds between bureaus within or outside the Department.

2211.4 *Claims.* Only the Chief, Division of Administration, may submit directly to the General Accounting Office the original, or certified copies, of papers pertaining to claims which may be settled and adjusted only in that Office, together with a complete report of all pertinent facts and an administrative recommendation (304 DM 3.3).

2211.5 *Evidence of violations of law.* Only the Chief, Division of Administration, with the Chief, Division of Resource Development, may authorize and approve payments, not exceeding the statutory limitation, for information or evidence concerning violations of law administered by the Bureau of Commercial Fisheries (355 DM 3.4).

2211.6 *Erroneous payments made to employees.* Only authorized certifying officers may determine whether an erroneous payment has been made to an employee and whether the employee is indebted to the United States, as a result of such payment, in accordance with the Act of July 15, 1954 (68 Stat. 482). The Chief, Division of Administration, and Regional and Area Directors may review objections by employees to such determinations; authorized certifying officers, making determinations, may not review objections by employees to such determinations (205 DM 6.3).

2211.7 *Travel.* The officials designated in A and B below may authorize and approve official travel and transfer of official stations of officers and employees, including experts, consultants, and persons serving without compensation, in accordance with: provisions of the Standardized Government Travel Regulations, applicable statutes, regulations of the Bureau of the Budget, policies and budgetary limitations of the Department of the Interior, including payment of expenses in connection with the death of an employee in accordance with the Act of July 8, 1940 (5 U.S.C. 103(a) and 103(b)) and advances of funds in accordance with Act of June 9, 1949 (5 U.S.C. 838): *Provided,* That this delegation shall not include the authorization and approval of travel by means of general travel orders and travel for the purpose of attending meetings and conventions of societies and associations.

A. *Headquarters Office.* (1) The Chiefs of Divisions of: Administration, Biological Research, Industrial Research, and Resource Development.

(2) Authorized certifying officers with respect to advance of funds only.

B. *Regional and Area Offices.* (1) Regional Directors; Assistant Regional Directors; Regional Chiefs, Division of Administrative Services; Area Directors; Chief of Division of Administrative Services, Hawaii Area; and Administrative Officer, California Area; with such approval of travel limited to travel

(a) To Washington, D.C.;

(b) In connection with transfer of official stations of officers and employees within the Bureau;

(c) Within the geographical boundaries of the respective regions and areas, adjoining States and waters, Provinces of Canada, and States of Mexico, contiguous to the region or area when necessary for administration of routine or continuing activities of the region or area.

(2) Alaska Region and Hawaii Area, in addition to the delegation in B(1) above, to authorize and approve travel to points in continental United States for home leave pursuant to the Act of August 31, 1954 (5 U.S.C. 73b–3).

(3) Hawaii Area, in addition to the delegation in B(1) and B(2) above, to authorize and approve travel to points within Hawaii, the Trust Territory of the Pacific Islands, Pacific Territories and Island possessions, the States of California, Oregon, and Washington, Province of British Columbia, and Pacific Ocean areas.

2211.8 *Redelegation.* The following authorities, in addition to those provided in sections 2211.2 and 2211.7, may be redelegated as follows:

A. The Chief, Division of Administration, may redelegate to the Chief, Branch of Budget and Finance, authorities contained in sections 2211.2 and 2211.7; to the Chief, Branch of Personnel Management, the authorities contained in section 2211.7 with respect to approval of travel and transfer of the official stations of officers and employees.

B. The Regional and Area Directors may redelegate to their Station Chiefs the authority contained in section 2211.7B(1)(c).

2211.9 *Revocation.* Director's Order No. 3, revised, dated May 15, 1959 (24 F.R. 4565) is hereby revoked.

(Commissioner's Order No. 3 (22 F.R. 8126))

A. W. ANDERSON,
Acting Director.

JUNE 24, 1960.

[F.R. Doc. 60–5958; Filed, June 28, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CONVEYANCE OF PROPERTY TO ALASKA

Pursuant to the authority contained in section 21 of the Alaska Omnibus Act (73 Stat. 141), the Secretary of Commerce is presently preparing to transfer to the State of Alaska by conveyance, effective as of June 30, 1960, certain real property owned, held, administered or used by the Secretary of Commerce in connection with the activities of the Bureau of Public Roads in Alaska.

This conveyance is subject to the condition that if the Secretary of Commerce or the head of any other Federal agency determines and publishes notice thereof in the FEDERAL REGISTER within 90 days next following June 30, 1960, that all or any part of this property or any interests therein is needed for continued retention in Federal ownership for purposes other than or in addition to road purposes, the Secretary of Commerce may enter and terminate the estate quitclaimed in the property concerning which said determinations are made, by notifying the Governor of the State of Alaska of such termination by registered letter or letters mailed by June 30, 1961. The State of Alaska will accept the conveyance without waiving any rights it may otherwise have to refer any dispute to the Claims Commission authorized by section 46 of the aforesaid Alaska Omnibus Act.

In order to give Federal agencies an opportunity to determine whether any of the real property to be conveyed is needed for continued retention in Federal ownership for purposes other than or in addition to road purposes, the following procedure will be used:

(a) Any Federal agency which determines that any of such real property is needed for continued retention in Federal ownership shall publish notice of such determination in the FEDERAL REGISTER within 60 days from the date of this publication.

(b) Such notice shall set forth a determination that there is either a firm requirement or a tentative requirement for retention of the properties concerned.

(c) If the notice sets forth a tentative requirement, the agency concerned shall determine whether a firm requirement for the property exists and, if so, shall publish notice of such determination within 30 days after publication of notice of the tentative requirement.

(d) It will be considered that none of the real property to be conveyed is needed for retention in Federal ownership for purposes other than or in addition to road purposes, unless a notice or notices with respect thereto are published in the FEDERAL REGISTER as provided in paragraphs (a), (b) and (c) herein.

(e) After notice has been published in the FEDERAL REGISTER that a firm requirement exists for the retention in Federal ownership of any real property to be conveyed as above described, the Federal agency concerned shall, within 120 days after publication of such notice, submit a formal request to the Secretary of Commerce for the Secretary to enter and terminate the estate quitclaimed to the State of Alaska to the extent of the agency's request. Failure of a Federal agency to make such formal request to the Secretary of Commerce will be deemed a waiver of any right to have the property retained.

Real property retained in Federal ownership as provided herein which is not needed or required for any purpose by the Department of Commerce shall be reported as excess by the Secretary of Commerce to the General Services Administration, in accordance with applicable regulations and procedures, and General Services Administration will be advised of the determinations of the Federal agencies.

A detailed list of individual parcels of land which are to be conveyed to the State of Alaska pursuant to section 21 of the Alaska Omnibus Act is on file for inspection at the Offices of the Bureau of Public Roads, 1717 H Street NW., Washington, D.C., Room 865 and at the Regional Office, Bureau of Public Roads, U.S. Department of Commerce, Federal Building, Juneau, Alaska.

Dated: June 24, 1960.

Recommended:

F. C. TURNER,
Acting Commissioner of Public Roads.

Issued:

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-5988; Filed, June 28, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20510]

MANUFACTURERS LIGHT AND HEAT CO.

Order Permitting Substitution of Tariff Sheets

JUNE 22, 1960.

On December 2, 1959, The Manufacturers Light and Heat Company (Manufacturers) tendered for filing, inter alia, Fourth Revised Sheets Nos. 7, 12, and 27, and Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1. By order issued herein on December 31, 1959, the Commission ordered a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, as proposed to be changed by the aforesaid tender of December 2, 1959, and, pending such hearing and decision thereon, suspended and deferred the use of the proposed tariff sheets until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. By order issued March 1, 1960, the Commission shortened this suspension period to April 5, 1960. By order issued May 9, 1960, the proposed tariff sheets were made effective as of April 5, 1960, subject to refund.

On March 2, 1960, pursuant to Ordering Paragraph (H) of the Commission's Order Approving Proposed Settlement, Fixing Rate of Return and Prescribing Refunds issued February 25, 1960 in Docket Nos. G-12197, G-16820, G-18425, and G-19250, Manufacturers tendered for filing Third Revised Sheets Nos. 7, 12, and 27 and Fourth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1, which were accepted by the Commission as being in compliance with its aforesaid order of February 25, 1960.

On May 27, 1960, Manufacturers tendered for filing Substitute Fourth Revised Sheets Nos. 7, 12, and 27 and Substitute Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1. The aforesaid tariff sheets tendered on May 27, 1960 are exactly the same as the sheets placed in effect subject to refund as of April 5, 1960 by order issued herein May 9, 1960, except that they supersede the aforementioned tariff sheets filed on March 2, 1960 in Docket Nos. G-12197, et al.

The Commission finds:

(1) Good cause has been shown for permitting the substitution of Manufacturers' Substitute Fourth Revised Sheets Nos. 7, 12 and 27 and Substitute Fifth Revised Sheet No. 22 in the place of Fourth Revised Sheets Nos. 7, 12 and 27 and Fifth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1: *Provided, however,* That the aforementioned substitute tariff sheets are subject, in all respects, to this proceeding and all the orders issued herein as though originally filed in this proceeding.

(2) Good cause exists for waiving the 30-day notice requirements to permit the aforementioned substitute tariff sheets to become effective as of April 5, 1960, subject to refund.

The Commission orders:

(A) Substitute Fourth Revised Sheets Nos. 7, 12 and 27 and Substitute Fifth Revised Sheet No. 22 are hereby substituted in the place of Fourth Revised Sheets Nos. 7, 12 and 27 and Fifth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1: *Provided, however,* That the aforementioned substitute tariff sheets are subject, in all respects, to this proceeding and all the orders issued herein as though originally filed in this proceeding.

(B) The 30-day notice requirements contained in § 154.22 of the regulations under the Natural Gas Act are hereby waived to allow the aforementioned substitute tariff sheets to become effective as of April 5, 1960, subject to refund.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5991; Filed, June 28, 1960; 8:48 a.m.]

[Docket No. G-12399 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Order Granting Motions for Severance and Affirming in Part Decision of Presiding Examiner

JUNE 22, 1960.

Natural Gas Pipeline Company of America, Docket No. G-12399; Champlin Oil & Refining Company, Docket No. G-14830; Amerada Petroleum Corporation, Docket No. G-16029; Cities Service Gas Company, Docket No. G-16217; Phillips Petroleum Company, Docket Nos. G-16280, G-16439; Carter-Jones Drilling Company, Inc., Docket No. G-16288; Magnolia Petroleum Company (now Socony Mobil Oil Company, Inc.), Docket Nos. G-16295, G-16296, G-16293, G-16266; Johntom Oil Company, Inc., Docket No. G-16375; McCommons Oil

Company, Docket No. G–16376; Anson L. Clark, Docket No. G–16382; Cornell Oil Company, Docket No. G–16383; Bond Oil Corporation, et al., Docket No. G–16392; Hudson Oil & Metals Company, Docket No. G–16436; The Pure Oil Company, Docket No. G–17493; Gulf Oil Corporation, Docket No. G–16761; Riddell Petroleum Corporation, Docket No. G–17828; Fain-Porter Drilling Corporation, Docket No. G–17831.

As set forth fully by the presiding examiner in his initial decision, Natural Gas Pipeline Company of America (Natural) is seeking certificate authorization for a 185,000 Mcf per day expansion of its pipeline system. Temporary authorization for the operation of the proposed facilities was granted by the Commission on December 19, 1958. Of the 185,000 Mcf per day of additional capacity, 4,500 Mcf per day has been reserved for service to communities to be served by three interveners in this proceeding, Iowa Power and Light Company, Illinois Power Company and Iowa Southern Utilities Company. The presiding examiner made full and complete findings with regard to the various projects of these interveners, recommending approval of two projects without condition and further recommending that two of the projects be conditioned upon the obtaining by Illinois Power Company and Iowa Southern Utilities Company of contracts for service to two industrial customers.

Following the close of the hearing in this proceeding, Iowa Southern filed with the Commission a contract with the What Cheer Clay Products Company and Illinois Power Company filed a contract with the Sheffield Tile Products Company. These contracts satisfy the condition imposed by the presiding examiner. We find that they satisfactorily demonstrate the intention of these industrial customers to attach and assure that these projects will be economically feasible. We shall therefore affirm the decision of the presiding examiner in so far as it relates to the above-mentioned interveners, but will eliminate the necessity for further filings by Iowa Southern and Illinois Power with relation to the industrial customers.

On April 19, 1960, Iowa Southern Utilities Company filed a motion for severance of the noncontroversial matters in this proceeding from those at issue. On May 16, 1960, Illinois Power Company filed a similar motion. Neither motion has been opposed. Both companies indicated that unless authorization is granted to Natural to deliver gas to them at this time, it will be impossible for them to attach loads before the coming winter heating season.

In view of the necessity that construction of the respective distribution systems must soon be commenced if service is to be obtained this year, we will grant the motions of Iowa Southern and Illinois Power for severance from the proceedings of those portions of the matter concerning the interveners herein.

The Commission finds: The public convenience and necessity require that Natural be directed to establish physical connection of its facilities with facilities proposed to be built by the interveners named below and to deliver and sell natural gas to them for distribution in the named communities in amounts up to the quantities shown:

Interveners; Communities; and Quantity

Iowa Power and Light Co.; Emerson, Malvern, Pacific Junction, Iowa; 1071 Mcf/d.

Iowa Southern Utilities Co.; Sigourney, Iowa; 1148 Mcf/d. Osceola, What Cheer, Keota, Iowa; 2480 Mcf/d.

Illinois Power Co.; Ladd, Atkinson, Sheffield, Ill.; 598 Mcf/d.

The Commission orders:

(A) The motions for severance filed by Iowa Southern Utilities Company and Illinois Power Company are hereby granted.

(B) Natural Gas Pipeline Company of America shall establish physical connection of its facilities with the facilities proposed to be built by and to deliver and sell natural gas to the interveners named above in the amounts above set forth.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5992; Filed, June 28, 1960; 8:48 a.m.]

[Docket Nos. RI60–427—RI60–434]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JUNE 22, 1960.

H. L. Hunt (Operator), et al., Docket No. RI60–427; Claude M. Langton, Trustee, Docket No. RI60–428; Secure Trusts, Docket No. RI60–429; Humble Oil & Refining Company, Docket No. RI60–430; Union Oil Company of California, Docket No. RI60–431; Estate of Lyda Bunker Hunt, Docket No. RI60–432; Producing Properties, Inc. (Operator), et al., Docket No. RI60–433; Jocelyn-Varn Oil Company (Operator), et al., Docket No. RI60–434.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60–427	H. L. Hunt (Operator) et al.	13	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parishes, La.).	Undated	6–2–60	7–3–60	12–3–60	18.3	[2] 23.5	G–20340
RI60–428	Claude M. Langton, Trustee.	1	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parish, La.).	Undated	6–2–60	7–3–60	12–3–60	18.3	[2] 23.5	G–20456
RI60–429	Secure Trusts	2	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parish, La.).	Undated	6–2–60	7–3–60	12–3–60	18.3	[2] 23.5	G–20455
RI60–430	Humble Oil & Refining Co.	160	2	El Paso Natural Gas Co. (Roberts (Strawn) Field, Sutton County, Tex.).	6–2–60	6–2–60	7–3–60	12–3–60	10.6418	[3] 15.7093	----------
RI60–431	Union Oil Co. of California.	32	3	West Lake Natural Gasoline Co. (Lake Trammell Field, Nolan County, Tex.).	Undated	6–3–60	7–10–60	[4] 7–11–60	5.5	[3] 8.5	G–15903
RI60–432	Estate of Lyda Bunker Hunt.	2	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parish, La.).	Undated	6–2–60	7–3–60	12–3–60	18.3	[2] 23.5	G–20445
RI60–433	Producing Properties, Inc. (Operator), et al.	10	13	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.).	Undated	6–6–60	7–6–60	12–6–60	13.0	[3] 14.5	----------
RI60–434	Jocelyn-Varn Oil Co. (Operator), et al.	6	2	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.).	5–19–60	5–23–60	6–23–60	[4] 6–24–60	6.9918	[3] 8.5	RI60–20

[1] The stated effective dates are those requested by Respondent, or the first day after the expiration of statutory notice.
[2] Pressure base is 15.025 p.s.i.a.
[3] Pressure base is 14.65 p.s.i.a.
[4] Or until such date as Supplement No. 4 to West Lake Natural Gasoline Co.'s (Operator), et al. FPC Gas Rate Schedule No. 1 becomes effective in Docket No. RI60–30, whichever is later.

H. L. Hunt (Operator), et al., Claude M. Langton, Trustee, Secure Trusts and Estate of Lyda Bunker Hunt, in support of their proposed favored nation increased rates, state that the favored-nation clause is an integral part of each initial rate schedule; such pricing provision was required to justify the long-term commitment of the sellers' gas; and this provision is in the public interest and is in and of itself just and reasonable.

Humble Oil & Refining Company, in support of its proposed favored-nation increased rate, states that the proposed rate is provided by contract and is in line with going contract prices in the area.

Union Oil Company of California (Union) and Jocelyn-Varn Oil Company (Jocelyn-Varn) in support of their proposed revenue-sharing increased rates

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

state that their contracts were negotiated at arm's-length. Union also states that the pricing provisions of its contract constitute an integral part of the consideration upon which such contract was based, and such provisions were designed to achieve a fair average price for gas delivered during the term of the contract. Jocelyn-Varn also cites the contract provisions and states that the proposed rate is in line with the going contract prices in the area.

Producing Properties, Inc. (Operator), et al. (Producing Properties) in support of its proposed three-step periodic increased rate, states that the proposed rate does not exceed the current market price for gas in the area and such rate is necessary in order to afford Producing Properties a reasonable return on its investment. Additionally, Producing Properties submitted a one-page cost of service study for the particular gas unit involved.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 8, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5990; Filed, June 28, 1960; 8:48 a.m.]

[Docket No. E-6947]

TETON VALLEY POWER AND MILLING CO., LTD.

Notice of Application

JUNE 23, 1960.

Take notice that on June 10, 1960, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Teton Valley Power and Milling Company, Limited, ("Applicant"), a corporation organized under the laws of the State of Idaho and doing business in Idaho and Wyoming with its principal business office at Driggs, Idaho, seeking an order authorizing the sale of all its electric generation, transmission, and distribution properties and equipment appurtenant thereto to Fall River Rural Electric Cooperative, Inc., of Ashton, Idaho ("co-op"). The above facilities are located in the County of Teton, State of Idaho, and the County of Teton, State of Wyoming. The proposed transaction will not affect any contract for the purchase, sale, or interchange of electric energy. The purchase price to be paid Applicant is $537,000.00. Applicant states that its system and that of Co-op are presently integrated and that the transaction, through reduction of administrative force and improved financing ability, will permit expansion resulting in improved service to customers.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5994; Filed, June 28, 1960; 8:48 a.m.]

[Docket No. RI60-425]

SHAMROCK OIL AND GAS CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective Subject to Refund Upon Filing of Undertaking To Assure Refund of Excess Charges

JUNE 23, 1960.

On May 31, 1960, the Shamrock Oil and Gas Corporation (Operator) (Shamrock) tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 26, 1960.

Purchaser: Panhandle Eastern Pipe Line Company (Panhandle).

Producing area: Panhandle Field, Moore and Sherman Counties, Texas.

Rate schedule designation: Supplement No. 17 to Shamrock's FPC Gas Rate Schedule No. 4.

Effective rate: 8.51 cents per Mcf.[1]

Proposed rate: 8.99 cents per Mcf.

Effective date: July 1, 1960. (The stated effective date is the effective date proposed by Shamrock.)

Shamrock's contract provides that Shamrock's rates will be changed in proportion to any general change in rate of its purchaser. Panhandle has proposed rate increases which were suspended in the proceeding in Docket No. RP60-8, until July 1, 1960 and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. In support of its proposed increased rate, Shamrock cites its contract and Panhandle's proposed increases. Also, Shamrock states that increases to higher levels have been accepted by the Commission in the area, that the proposed rate is below prices for competitive fuels in the area, and that Shamrock's revenues have lagged behind increases in costs. Shamrock additionally submits cost of service studies.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Shamrock's proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the above-designated supplement be allowed to take effect subject to refund upon the timely filing of an agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 17 to Shamrock's FPC Gas Rate Schedule No. 4.

(B) Pending a hearing and decision thereon, the above-designated supplement is hereby suspended and the use thereof deferred until July 2, 1960, or until the day after the rates suspended under Docket No. RP60-8 are made effective, whichever is later, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought

[1] Includes tax reimbursement and 0.6219 cent per Mcf for compression charged by seller. The stated rate governs original contract volumes; additional volumes are governed by another rate, provided in a contract amendment dated August 11, 1947. The rate is effective subject to refund in the proceeding in Docket No. RI60-217.

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Supplement No. 17 to Shamrock's FPC Gas Rate Schedule No. 4 shall be effective as of July 2, 1960, or as of the day after the rates suspended under Docket No. RP60–8 are made effective, whichever is later: *Provided,* That within 20 days from the date of this order, Shamrock shall execute and file under Docket No. RI60–425 with the Secretary of the Commission an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A). The agreement and undertaking shall be signed by a responsible officer of Shamrock, shall be attested, and shall be accompanied by proper authorization from the board of directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Shamrock is advised to the contrary within 15 days after the filing of such agreement and undertaking, it shall be deemed to have been accepted for filing.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before August 5, 1960.

By the Commission. Commissioner Kline dissenting.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5993; Filed, June 28, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 6093 etc.]

REOPENED INTRA-ALASKA CASE (KING SALMON PORTION)

Notice of Hearing

In the matter of the deletion of King Salmon from Northern Consolidated Airlines' route 126 if required by the public convenience and necessity.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 18, 1960, at 10:00 a.m., Alaska standard time, in the City Council Chamber of the Loussac Library at Fifth and F Streets, Anchorage, Alaska, before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matter:

1. Whether the public convenience and necessity require the deletion of King Salmon from Northern Consolidated Airlines' route 126.

For further details of the issues involved in this proceeding interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before July 11, 1960, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., June 24, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–5973; Filed, June 28, 1960; 8:45 a.m.]

ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

STATEMENT OF ORGANIZATION AND FUNCTIONS

The Alaska International Rail and Highway Commission (hereinafter called the Commission) was established by the Act of Congress entitled "An Act to Establish an Alaska International Rail and Highway Commission" (70 Stat. 888) as amended (48 U.S.C. 338), for the purpose of studying "the economic and military advantages of additional highway and rail transportation facilities connecting continental United States with central Alaska." The results of its studies and its recommendations will be submitted to the Congress.

The Commission consists of six (6) Members of the Congress of the United States, not more than four of whom are members of the same political party; four (4) members from the executive branch of the government, one each from the Departments of State, Interior, Commerce and Army; and three (3) public members. Members of the Commission serve without compensation but are reimbursed for travel, subsistence and other authorized expenses.

The Commission employs a staff without regard to the civil service laws and the Classification Act of 1949, consisting of an Executive Director and an Administrative Assistant. The Associate Solicitor for Territories, Wildlife and Parks, Department of the Interior, acts as General Counsel. A transport economist on the staff of the Under Secretary of Commerce for Transportation acts as Transport Economist. The Honorable B. Frank Heintzleman, former Governor of the Territory of Alaska and former Chief Forester of Alaska, acts as Alaskan Advisor. The Commission is authorized to utilize the facilities, information and personnel of the agencies of the executive branch of the government, and said agencies are authorized to furnish such assistance.

The Commission is authorized in carrying out its duties to hold hearings and take testimony. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission. Interested persons may secure information or make submittals or requests at the offices of the Commission, Suite 705, 1809 G Street NW., telephone STerling 3–0860, Extension 3014.

WARREN G. MAGNUSON,
Acting Chairman.

[F.R. Doc. 60–5981; Filed, June 28, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1309]

INSURANCE SECURITIES INC., ET AL.

Notice of Filing of Application for Order Exempting Proposed Transactions

JUNE 23, 1960.

In the matter of Insurance Securities Incorporated, Insurance Securities Trust Fund, Continental Casualty Insurance Company; File No. 812–1309.

Notice is hereby given that Insurance Securities Incorporated ("Applicant"), a California corporation and sponsor of Insurance Securities Trust Fund ("Trust Fund"), a registered open-end diversified investment company existing under and by virtue of the laws of the State of California, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act certain proposed transactions hereinafter described.

Included in the portfolio of the Trust Fund are 309,741 shares of Continental Casualty Insurance Company ("Casualty"), comprising 5.29 percent of the outstanding voting securities of said company. Also included in the portfolio of the Trust Fund are 50,000 shares of the capital stock of National Fire Insurance Company of Hartford ("National") $10.00 par value, comprising 10 percent of the outstanding voting securities of National, acquired for the Trust Fund at an average cost of $72.62 per share, and 47,370 shares of the capital stock of Continental Assurance Company ("Assurance") $5.00 par value, comprising 2.36 percent of the outstanding voting securites of Assurance, acquired for the Trust Fund at an average cost of $96.50 per share. The Trust Fund portfolio, as of April 30, 1960, contained shares of 94 companies and had a net asset value in excess of $413,000,000.

Under date of May 23, 1960, Casualty and Applicant, acting for the Trust Fund, negotiated two transactions, subject, however, to exemptions being granted by the Commission under section 17(b) of the Act. The two transactions are as follows:

(a) The sale out of the Trust Fund portfolio to Casualty of 50,000 shares of National at a price of $141 per share, a total aggregate consideration of $7,050,000; and

(b) The sale by Casualty to the Trust Fund of 20,000 shares of Assurance at a price of $144 per share, an aggregate consideration of $2,880,000. The transactions are severable, but the purchase by the Trust Fund of the 20,000 shares of Assurance is conditional upon the com-

pletion of the purchase by Casualty of the 50,000 shares of National.

As of December 31, 1959, Casualty owned 351,001 shares of National, comprising slightly over 70 percent of a total outstanding 500,000 shares of its voting securities. In addition, Casualty owned 648,590 shares of Assurance, comprising approximately 32 percent of the 2,004,189 shares outstanding. It is represented that Casualty is continuing to purchase, from time to time such stock of National as becomes available for purchase, to the end that all or the major portion thereof may be acquired.

In support of the application, Applicant represents that the holding of a 10 percent interest in National where 70 percent of the stock is held by one owner results in a very limited market for the stock, and a sale is accordingly desirable where a fair price can be obtained; that the sale price of $141 per share was fixed in relation to bid and ask quotations of 140–143 for National as of the date of negotiation, is approximately equal to the capital and surplus of National, and is the approximate value at which Casualty carries said stock upon its books. Applicant further represents that the further acquisition of Assurance stock for the Trust Fund portfolio at current market prices is a desirable investment; that additional purchases are being made by it when the stock becomes available; and that the purchase price of $144 per share was fixed in relation to bid and ask quotations for Assurance of 145–149 as of the date of negotiation. Applicant represents that the Trust Fund will be enabled to invest quickly a portion of the proceeds of the sale of the National stock in a desirable security.

Applicant and Casualty are affiliated persons as defined in the Act; hence the proposed transactions between them would be prohibited under section 17(a) unless the Commission grants an exemption pursuant to section 17(b). Section 17(a) of the Act, with certain exceptions, prohibits an affiliated person of a registered investment company from purchasing from or selling to such registered investment company or any company controlled by such registered company any security or other property. Under section 17(b) of the Act, the Commission shall grant an exemption from section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 7, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5977; Filed, June 28, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 128]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 24, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–106456 (Deviation No. 1), SUPER SERVICE MOTOR FREIGHT CO., Fessler Lane, Nashville, Tenn., filed June 10, 1960. Carrier proposes to operate as a common carrier by *motor vehicle* of *general commodities,* with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 41–A to Hopkinsville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Nashville and Hopkinsville over U.S. Highway 41.

No. MC–117892 (Deviation No. 1), THREE-I TRUCK LINE INC., 106 North Court Street, Box 557, Ottumwa, Iowa, filed June 13, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over deviation routes as follows: (A) From Rock Island, Ill., over City Streets to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill.; and (B) from Rock Island over City Streets to Moline, thence over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same routes, for operating convenience, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Rock Island over City Streets to Moline, thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, thence over Illinois Highway 65 to junction U.S. Highway 34, and thence over U.S. Highway 34 to Chicago, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–5985; Filed, June 28, 1960; 8:47 a.m.]

[Notice 40]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JUNE 24, 1960.

The following applications are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. The matter is governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitute the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 118333 filed December 10, 1958. Applicant: RALPH C. GALLINI, 1643 North Montclair, Dallas, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from points in Louisiana and Texas to points in Louisiana, Texas, New Mexico, Missouri, Kansas, and Arkansas.

HEARING: July 13, 1960, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

PETITION

No. MC 118169, (APPLICANT'S EXCEPTIONS AND/OR PETITION FOR REHEARING AND/OR REPUBLICATION IN THE FEDERAL REGISTER), dated June 10, 1960. Petitioner: SEPTIMUS J. MACPHEE, doing business as MACPHEE'S TRANSFER, Souri, Prince Edward Island, Canada. Petitioner's attorney: Francis P. Barrett, 7 Water Street, Boston, Mass. By application filed December 8, 1958, applicant sought a Certificate of Public Convenience and Necessity authorizing the continuance of operations in interstate of foreign commerce as a common carrier by motor vehicle, over irregular routes: (1) of *bananas in mixed or straight shipments, with fresh fruits and fresh vegetables,* from Boston, Mass., to ports of entry at the International Boundary Line between the United States and Canada in Maine, and (2) of *frozen berries,* from ports of entry at the International Boundary Line between the United States and Canada in Maine to Boston, Mass. Petition dated June 10, 1960, requests that this matter be assigned for rehearing in order to enable applicant to submit the same documents as presented at the informal conference, verifying the facts that some of the shipments which were sold to a firm in Boston were, in fact, delivered to a cold storage warehouse in West Chelmsford, Mass., and/or cause to be published in the FEDERAL REGISTER an amendment indicating West Chelmsford, Mass., as a destination point and in the event publication is made in the FEDERAL REGISTER and that there being no protests thereto within the statutory period of time, the Commission issue a corrected report and order authorizing the transportation of *frozen berries* from the ports of entry at the International Boundary Line between the United States and Canada to West Chelmsford, Mass., in addition to those points already granted in the recommended Report and Order. Any person or persons desiring to oppose the relief sought may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5986; Filed, June 28, 1960; 8:47 a.m.]

[Notice 337]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63032. By order of June 23, 1960, the Transfer Board approved the transfer to Floyd A. Poelker, doing business at Poelker's Garage, Belleville, Ill., of Certicate in No. MC 117042, issued September 4, 1958, to Anna H. Poelker, doing business as Poelker's Garage, Belleville, Ill., authorizing the transportation of: wrecked and disabled motor vehicles, between points in Illinois, on the one hand, and, on the other, points in Missouri, Indiana, Kentucky, Tennessee, Arkansas, and Ohio. R. H. Burroughs, 155A, East Main St., Collinsville, Illinois, for applicants.

No. MC-FC 63044. By order of June 23, 1960, the Transfer Board approved the transfer to William Hynes and James Dillon, a partnership, doing business as A. J. Hubert Express, New Kensington, Pa., of Certificate in No. MC 93794 Sub 1, issued December 8, 1953 to Mercedes Marie Hubert, Sylvan Joseph Hubert, Dolores Margaret Hubert, and Margaret Mercedes Wise, a partnership, doing business as A. J. Hubert Express, New Kensington, Pa., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between Pittsburgh, Pa.; and Natrona, Pa.; serving all intermediate points; and the off-route points of New Kensington and Arnold, Pa., and those in Harrison township, Allegheny County, Pa. Robert F. Stone, 1008 Law & Finance Building, Pittsburgh 19, Pa., for applicants.

No. MC-FC 63211. By order of June 22, 1960, the Transfer Board approved the transfer to Joseph Mendelson, doing business as Pigeon Van Service, New York, New York, of a Certificate in No. MC 115537 issued November 14, 1958, to Louis Paladino, Yonkers, New York, which authorizes the transportation of homing pigeons, in seasonal operations during the period March 1 to October 31, both inclusive, of each year, over irregular routes, between New York, N.Y., and points in Westchester County, N.Y., and points in Fairfield County, Conn., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Somerset, and Union Counties, N.J. Martin Werner, Werner & Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC-FC 63220. By order of June 23, 1960, the Transfer Board approved the transfer to Heavy Duty Haulers, Inc., Columbia, S.C., of a portion of Certificate No. MC 104564, issued November 28, 1950, to Leroy Maynard Bowden, Jr., Perry, Florida, authorizing the transportation of: heavy machinery, which requires special equipment, between points in that part of Florida between the Suwannee and Apalachicola Rivers, on the one hand, and, on the other, points in Alabama, Georgia, and South Carolina. Allan Watkins, 214 Grant Building, Atlanta 3, Ga., for applicants.

No. MC-FC 63298. By order of June 22, 1960, the Transfer Board approved the transfer to Paul Kemnitz, Leonardville, Kansas of Certificate No. MC 76734 issued February 15, 1941, in the name of Warren Elmer Ford, doing business as Warren Ford, Leonardville, Kansas, authorizing the transportation of feed, wire, nails, twine, roofing, tanks, pipe, and oil and grease, in containers, over regular routes, from Kansas City, Kans., to St. Joseph, Mo.; from Kansas City, Mo., to Topeka, Kans.; seed and agricultural commodities, feed, agricultural implements, parts, twine, petroleum products in containers, hardware, tractors, building materials, and combines, fruit, and vegetables, hardware, and wire, coal, tanks, pumps, hose, brooders, and livestock, over irregular routes, between points in Kansas and Missouri; and general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between Leonardville, Kans., on the one hand, and on the other, Kansas City, Kans., and Kansas City, Mo.

No. MC-FC 63325. By order of June 22, 1960, the Transfer Board approved the transfer to C. W. Anderson, Inc., Darlington, Pa., of Permit in No. MC 33973, issued March 2, 1955 to Charles W. Anderson, doing business as C. W. Anderson Trucking Service, Beaver Falls, Pa., authorizing the transportation of: filling station equipment, between Beaver, Pa., on the one hand, and, on the other, Chester and Newell, W. Va., and points in Ohio; oil and grease (petroleum) in drums or containers, between Beaver, Pa., on the one hand, and, on the other points in Ohio and West Virginia; and empty containers from the above-specified destination points to Beaver, Pa. G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio, for applicants.

No. MC-FC 63335. By order of June 22, 1960, the Transfer Board approved the transfer to Sarnia Transit Company Limited, Sarnia, Ontario, Canada, of Certificate No. MC 102189 Sub 1, issued July 21, 1948, in the name of Cities Bus Services, Limited, Sarnia, Ontario, Canada, authorizing the transportation of passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at the boundary of the United States and Canada and extending through the port of entry at Port Huron, Mich., to points in Michigan. S. Harrison Kahn, 1110 Investment Building, Washington 5, D.C., for applicants.

No. MC-FC 63354. By order of June 23, 1960, the Transfer Board approved the transfer to C. T. Millbaugh and S. E. Millbaugh, a partnership, doing business as C. T. Millbaugh and Son, Barberton, Ohio, of Permit No. MC 76297 issued September 20, 1954, in the name of E. F. Denham, Akron, Ohio, authorizing the transportation over irregular routes of such commodities as are manufactured processed and/or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies used in the conduct of such businesses, from Akron, Ohio to points in Rhode Island, Massachusetts, Con-

necticut and specified points in New York and New Jersey; tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio; chemicals, from Naugatuck, Conn., to Akron, Ohio; and scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany, N.Y., and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio. John R. Meeks, 607 Copley Road, Akron 20, Ohio, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5987; Filed, June 28, 1960; 8:47 a.m.]

[Notice 329]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 24, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1117 (Sub No. 5), filed June 13, 1960. Applicant: M. G. M. TRANSPORT CORPORATION, 790 Main Street, Paterson, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from points in Passaic County, N.J., to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, New York, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. RESTRICTION: Authority sought to be restricted to traffic which had a prior line haul movement in interstate commerce by another carrier.

NOTE: Applicant states that no duplicating authority is sought. Common control may be involved.

HEARING: September 2, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 1124 (Sub No. 170), filed May 9, 1960. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives,* but excluding those of unusual value, commodities in bulk, those injurious or contaminating to other lading, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, and those requiring special equipment, between Dallas, Tex., and El Dorado, Ark.: from Dallas, Tex., over U.S. Highway 67 to Texarkana, Texas-Arkansas, thence over U.S. Highway 82 to El Dorado, Ark., as an alternate route for operating convenience only, coordinating the proposed service with presently authorized service, with no service to intermediate points.

HEARING: September 21, 1960, at the Baker Hotel, Dallas, Texas before Joint Board No. 152, or if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 2202 (Sub No. 189), filed May 31, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Junction of Ohio Highway 18 and Interstate Highway 71 (near and East of Median, Ohio) and Columbus, Ohio: from junction Ohio Highway 18 and Interstate Highway 71, over Interstate Highway 71 to Columbus, and return over the same route, serving no intermediate points and with service at junctions with applicant's authorized routes for purposes of joinder only, as an alternate route, for operating convenience only.

HEARING: September 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2202 (Sub No. 190), filed May 31, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Columbus, Ohio, and Cincinnati, Ohio: from Columbus, over Ohio Highway 3 to Cincinnati, and return over the same route, serving no intermediate points as an alternate route to applicant's presently authorized routes between these two points, for operating convenience only.

HEARING: September 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 2411 (Sub No. 3), filed May 18, 1960. Applicant: LAWRENCE J. O'BRIEN, INC., 85 Crooks Avenue, Clifton, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment materials,* and *supplies* used in the conduct of such business, between points in Nassau, Orange, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and New York, N.Y., and points in Hunterdon, Warren, Somerset, Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Union Counties, N.J., and points in Pike County, Pa.

NOTE: Applicant states the proposed operations will be under a continuing with The Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 3839 (Sub No. 1), filed June 6, 1960. Applicant: OTIS RICHARDS, doing business as RICHARDS TRUCK LINE, R.R. 1, Scottsburg, Ind. Applicant's attorney: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except commodities in bulk, commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Scottsburg, Ind., and Louisville, Ky.: from Scottsburg over U.S. Highway 31 to Sellersburg and thence over U.S. Highways 31E and 31W to Louisville, and return over the same route serving all intermediate points and the off-route point of Vienna, Ind.

HEARING: September 14, 1960, at the Kentucky Hotel, Louisville, Kentucky, before Joint Board No. 155.

No. MC 7555 (Sub No. 36), filed April 18, 1960. Applicant: TEXTILE MOTOR FREIGHT, INC., Ellerbe, N.C. Applicant's attorney: Guy H. Postell, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen Citrus Juice Concentrates; Citrus Juice,* not frozen, but requiring refrigeration; and, *Citrus Fruit Sections* or *Salads,* requiring refrigeration, from points in Florida to International Boundary Line between the United States and Canada at Black Pool Bridge, at or near Champlain, N.Y.

HEARING: September 21, 1960, at Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 10761 (Sub No. 94), filed May 16, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to

other lading, between Cleveland, Ohio, and Aurora, Ohio, serving the plant site of the Carlon Products Corp., near Aurora, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Pittsburgh, Pa.

HEARING: July 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 10761 (Sub No. 97), filed June 6, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 1210–12 Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Madison and North Madison, Ind., and points within 5 miles of the corporate limits thereof, as off-route points in connection with applicants authorized regular route operations, between Cincinnati, Ohio, and St. Louis, Mo., over U.S. Highway 50.

HEARING: September 12, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 14781 (Sub No. 2), filed June 6, 1960. Applicant: SAM GOTTRY CARTING COMPANY, INC., 47 Parkway, Rochester, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies* when the transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, except pipe, pipeline material, equipment and supplies which are incidental and used in connection with the construction, operation, maintenance, servicing and dismantling of pipelines, including the stringing and picking up thereof, between points in Monroe County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: No duplicate authority is sought.

HEARING: September 27, 1960, at the Manger Hotel, Rochester, N.Y., before Examiner Warren C. White.

No. MC 20824 (Sub No. 17), filed May 4, 1960. Applicant: COMMERCIAL MOTOR FREIGHT INC., OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Indiana Highways 46 and 9 and Greensburg, Ind., from junction Indiana Highways 46 and 9 over Indiana Highway 46 to Greensburg, and return over the same route, serving no intermediate points, but serving the described terminal points for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: September 23, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 22195 (Sub No. 76) (AMENDMENT), filed March 24, 1960, published in the FEDERAL REGISTER, issue of May 11, 1960. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Orange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Ward County, N. Dak. (including the city of Minot, N. Dak.), to points in Montana, South Dakota, and Minnesota, and *rejected shipments* of the commodities specified in this application on return.

HEARING: Remains as assigned July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 24264 (Sub No. 2), filed May 4, 1960. Applicant: HENRY KOHNKE, 16 Shepherd Avenue, Brooklyn, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated and crated, between Kingston, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania.

HEARING: September 22, 1960, at the Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 25562 (Sub No. 25), filed May 31, 1960. Applicant: A. R. GUNDRY, INC., 85 Stanton Street, Rochester, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *coal tar products* in tank trucks, (1) from points in Erie County, N.Y., to points in Erie, Warren, McKean, Elk, Crawford, Venango, Potter, and Cameron Counties, Pa., and (2) from points in Erie County, Pa., to points in Erie County, N.Y., and *refused* and *rejected shipments*, on return.

HEARING: September 28, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 25798 (Sub No. 34), filed March 30, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway (P.O. Box 551), Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafoods*, in mixed shipments with *Citrus products*, from Brunswick and St. Simons Island, Ga., and points in Florida, to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 21, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 25798 (Sub No. 35), filed April 19, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 551, Hendersonville, N.C. Applicant's attorney: Chester King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from points in Florida to points in Texas.

HEARING: September 20, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 25798 (Sub No. 36), filed April 19, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 551, Hendersonville, N.C. Applicant's attorney: Chester King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from Winter Haven, Fla., and points in Florida within 75 miles thereof to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: Applicant states that the purpose of this application is to remove the vehicle description as described in Certificate MC 25798 (Sub 11), (namely in vehicles equipped with mechanical refrigeration).

HEARING: September 22, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 27580 (Sub No. 2), filed May 12, 1960. Applicant: JOSEPH CORY DELIVERY SERVICE, INC., 1000 Dean Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Uncrated, *New Furniture*, from Jersey City, N.J., to points in New York, Connecticut and Pennsylvania.

HEARING: September 19, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 30887 (Sub No. 95), filed June 14, 1960. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank

vehicles, from (1) Cambridge, Mass., to Ashland, Ohio; Charlotte, N.C.; Dover, Del.; and Dalton, Ga., and *returned* or *rejected shipments* to Baltimore, Md., and Cambridge, Mass., (2) from Dover and Cheswold, Del., to Waterville, Conn.; Atlanta, Ga.; Lodi, Pa.; Cranston and Providence, R. I.; and points in North Carolina, South Carolina, and Ohio, (3) from Charlotte, N.C., to points in South Carolina and Virginia.

HEARING: September 7, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 33037 (Sub No. 5), filed June 10, 1960. Applicant: FRANCIS D. STUDER & MERLIN E. STUDER, STUDER TRUCK LINE, Beattie, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial Dry Fertilizer*, in bags, and in bulk, between Horn, Mo., and points in Washington, Marshall, Nemaha Counties Kans., and the city of Lancaster Kans., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: September 29, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 35835 (Sub No. 16), filed June 10, 1960. Applicant: ELMER JENSEN, 300 Ninth Avenue SE., Independence, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Indiana and Ohio; and from Sioux City, Iowa, to points in Kansas, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: September 23, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 38541 (Sub No. 12), filed June 6, 1960. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, Lafayette, Tenn. Applicant's attorney: Richard D. Gleaves, 106 State Office Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *OVER REGULAR ROUTES:* (Route 1 and referred to as "The Loop")—*General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, Beginning at Lafayette, Tenn., in a circular manner, over Tennessee Highway 52 to Celina, Tenn., thence over Tennessee Highway 53 to Chestnut Mound, Tenn., thence over unnumbered highway to junction of said unnumbered highway and Tennessee Highway 56, thence over Tennessee Highway 56 to Smithville, Tenn., thence over Tennessee Highway 26 to Lebanon, Tenn., thence over Tennessee Highway 10 and returning to the point of beginning at Lafayette, serving all intermediate points; *AND OVER IRREGULAR ROUTES: General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, to, from, and between Lafayette, Tenn., and points within the territory bounded by Route 1 above ("The Loop"), without restriction as to routing.

NOTE: Applicant states that above Route 1 (or "The Loop") is to be used in connection with applicant's authorized regular routes in MC 38541 and MC 38541 (Sub No. 4), and is sought in order that operations may be conducted in either direction over the route, and to and from the off-route points authorized in Certificate No. MC 38541; and to, from and between Lafayette, Tenn., and all points within the territory bounded by Route 1 ("The Loop") without restriction as to routing. Applicant further states and will show at the hearing that it is entitled to serve this territory inside the "Loop" over irregular routes from Lafayette, Tenn., and Route 1 under its "grandfather" rights, in both directions, clockwise and counterclockwise, having done so prior to June 1, 1935.

HEARING: September 22, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tennessee, before Joint Board No. 107.

No. MC 40302 (Sub-No. 30), filed June 3, 1960. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over the following alternate routes for operating convenience only in connection with carrier's authorized regular route operations: (a) Between Louisville, Ky., and junction U.S. Highways 42 and 40 (at or near Lafayette, Ohio), serving no intermediate points: From Louisville, Ky., over U.S. Highway 42 to Junction U.S. Highways 42 and 40 (at or near Lafayette, Ohio), and return over the same route, (b) Between Louisville, Ky., and Dayton, Ohio, serving no intermediate points: From Louisville, Ky., over U.S. Highway 42 to junction U.S. Highway 25, thence over U.S. Highway 25 to Dayton, Ohio and return over the same route.

NOTE: The request as made in the instant application reads between Louisville, Ky., and Dayton, Ohio, for the route between Dayton, Ohio and U.S. Highway 40 is a regular service route and the alternate should connect at that point rather than the junction of U.S. Highways 25 and 40.

HEARING: September 20, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 46618 (Sub No. 2), filed May 18, 1960. Applicant: JOHN A. LYNCH, 144-69 29th Avenue, Flushing, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and points in Hudson, Bergen, Essex, and Passaic Counties, N.J., and Elizabeth, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with The Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 50069 (Sub No. 226), filed June 9, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodard Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Painesville, Ohio to points in Indiana and Michigan.

HEARING: September 14, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 52657 (Sub No. 587), filed May 9, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: A. *Containers, cargo containers, cargo containers boxes*, (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less), *hoists, truck bodies* and *trailer bodies* in truckaway service, from Kalamazoo, Mich., to points in the United States, including Alaska and Hawaii. B. *Containers, cargo containers, cargo container boxes* (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less), from points in the United States to Kalamazoo, Mich.

HEARING: July 27, 1960, at the office of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 52657 (Sub No. 590), filed May 9, 1960. Applicant: ARCO AUTO CARRIERS, Inc., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Motor vehicles*, from Stockton, Calif., and *motor vehicles (except 4 wheeled and 6 wheeled motor vehicles)* from Kalamazoo, Mich., to all points in the United States, including Alaska and Hawaii.

NOTE: Applicant states no duplication of authority is sought herein. B. Return of

motor vehicles from all points in the United States to Kalamazoo, Mich., and Stockton, Calif. Return shipments restricted to motor vehicles that were manufactured or assembled at Kalamazoo, Mich., and Stockton, Calif..

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 52709 (Sub No. 112), filed June 13, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, (1) from Chicago, Ill., and St. Louis, Mo., to points in California, (2) from St. Louis, Mo., to Denver, Colo., and *damaged or rejected shipments*, on return, in connection with (1) and (2) above.

HEARING: September 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 52751 (Sub-No. 23) filed May 6, 1960. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, made of rock, *slag*, or *glass* and *mineral wool products*, from Red Wing, Minn., to points in Nebraska.

HEARING: September 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 59531 (Sub No. 79), filed May 27, 1960. Applicant: AUTO CONVOY CO., a Corporation, 3020 Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, and chassis*, in truckaway service, in secondary movements, from points in Texas to points in New Mexico and Arizona, and *rejected and damaged shipments* on return.

HEARING: September 22, 1960, at the Baker Hotel, Dallas, Texas, before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 59806 (Sub No. 1), filed May 18, 1960. Applicant: GROSS & HECHT TRUCKING, INC., 54 Stanton Street, Newark, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y. and New York, N.Y., and points in Warren, Hunterdon, Morris, Mercer, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with the Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 60236 (Sub No. 1), filed May 18, 1960. Applicant: A. GUGEL TRUCKING, INC., 611 Steward Avenue, Garden City, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and points in Hudson, Bergen, Essex, and Passaic Counties, N.J., and Elizabeth, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with the Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 61479 (Sub No. 6), filed May 13, 1960. Applicant: FRANCIS D. WHITE, doing business as WHITE'S TRANSPORTATION, 38 Mill Street, Lockport, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, liquid, and *foundry core compounds*, liquid, in bulk, in tank vehicles, equipped with steam coils, from Lockport, N.Y., to Erie and Reading, Pa.

HEARING: September 28, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 66562 (Sub No. 1671), filed May 2, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: F. J. Fletcher, Railway Express Agency, Incorporated, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between points in Illinois, Indiana, Ohio; that portion of Michigan within an area described as follows—from Detroit north along the Michigan State line to Port Huron, thence westerly along Michigan Highway 21 to Davison, northerly along Michigan Highway 15 to Bay City, westerly along Michigan Highway 20 to Mt. Pleasant, southerly along U.S. Highway 27 to U.S. Highway 27 (alternate), southerly along U.S. Highway 27 (alternate) to Alma, easterly along U.S. Highway 27 (alternate) to U.S. Highway 27, southerly along U.S. Highway 27 to Ola, westerly along Michigan Highway 57 to the eastern boundaries of Kent and Muskegon Counties (including all of said counties), to Lake Michigan, southerly along the Michigan State line to the Indiana State line, easterly along the Michigan State line to the point of beginning; that portion of Wisconsin within an area described as follows—beginning at the Illinois-Wisconsin State line at Lake Michigan, thence northerly along the shore of Lake Michigan to and including Two Rivers, northerly on Wisconsin Highway 147 to U.S. Highway 141, northerly on U.S. 141 to and including Green Bay, southerly on U.S. Highway 41 to the northern boundary of Fond du Lac County, westerly and southerly around the boundary of Fond du Lac County to the northern boundary of Dodge County, westerly and southerly around Dodge County to U.S. Highway 151, southwesterly on U.S. Highway 151 to the northern boundary of Dane County, westerly, southerly and easterly around the boundary of Dane County to the boundary of Green and Rock Counties, southerly to the Wisconsin-Illinois State line, and thence easterly to Lake Michigan; that portion of Missouri within an area described as follows—from St. Louis northwesterly along the Mississippi River to Hannibal, thence northerly along Missouri Highway 168 to U.S. Highway 24–61, southerly along U.S. 24–61 to U.S. Highway 36, easterly along U.S. 36 to U.S. Highway 19–61, southerly to Highway 19, southwesterly and southerly along Missouri 19 to U.S. Highway 54, westerly along U.S. 54 to Missouri Highway 22, westerly along Missouri 22 to U.S. Highway 63, northerly along U.S. 63 to U.S. Highway 24, westerly along U.S. 24 to Missouri Highway 3, southerly along Missouri 3 to Missouri Highway 240, southerly along Missouri 240 to the Missouri River, southeasterly along the Missouri River to Jefferson City, southeasterly along U.S. Highway 63 to Rolla, easterly along U.S. 63 to U.S. Highway 66, easterly along U.S. 66 to Missouri Highway 68, southerly along Missouri 68 to Missouri Highway 8, easterly along Missouri 8 to Missouri Highway 21, southerly along Missouri 21 to Missouri Highway 72, southeasterly along Missouri 72 to the Mississippi River, and thence northwesterly along said river to the point of beginning; and Davenport, Clinton and Dubuque, Iowa, and all points on the highways, on county lines which do not coincide with State lines, and on imaginary lines included in the foregoing description of territory.

HEARING: September 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 69116 (Sub No. 53), filed June 13, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over reg-

ular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Carlon Products Corp., at or near Aurora, Ohio, as an off-route point in connection with applicant's present certificated authority. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: July 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 69224 (Sub No. 28), filed June 13, 1960. Applicant: URBAN J. HAAS AND CYRIL H. WISSEL, a Partnership, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minnesota, before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Paul R. Joyce.

No. MC 88300 (Sub No. 27), filed April 18, 1960. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, Whitley City, Ky. Applicant's attorney: George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used automobiles, automobile chassis, trucks, truck chassis, semi-trailers* and *buses,* in driveaway and truckaway service, in initial and secondary movements, between points in Florida.

HEARING: September 19, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 92983 (Sub No. 376), filed April 11, 1960. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals,* in bulk, from Middletown, Ohio, to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin.

HEARING: September 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 92983 (Sub No. 378) filed May 12, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids and chemicals,* in bulk, from Fort Madison, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and South Dakota.

HEARING: September 23, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 93890 (Sub No. 17), filed April 6, 1960. Applicant: McDOWALL TRANSPORT, INC., 33 West Grant Avenue, P.O. Box 3231, Orlando, Fla. Applicant's attorney: R. H. Reynolds, Jr., 1424 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used automobiles, automobile chassis, trucks, truck chassis, semi-trailers* and *buses,* in driveaway and truckaway service, in initial and secondary movements, between points in Florida.

HEARING: September 19, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 101126 (Sub-No. 135), filed June 8, 1960. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract* carrier, by motor vehicle, over irregular routes, transporting: *Cement,* in bulk, and in bags, between Union Township, Butler County, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier . . . In No. MC 101126 (Sub-No. 86).

HEARING: September 15, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 102906 (Sub No. 7), filed April 4, 1960. Applicant: F. O. McCONNELL AND MRS. F. O. McCONNELL, doing business as McCONNELL HEAVY HAULING, P.O. Box 463, Little Rock, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fly ash,* in bulk, in air slide trailers (truckload 35,000 pounds minimum), from Little Rock, Ark., to Greer's Ferry Dam Site, Ark., near Heber Springs, Ark., on shipments having a prior movement by rail from Chicago.

HEARING: September 28, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215.

No. MC 103378 (Sub-No. 179), filed May 24, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gasoline,* in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Cobb County, Ga.

HEARING: September 16, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 103378 (Sub No. 180), filed May 24, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt cake,* in bulk, from Kings Bay Marina Terminal, Ga. (located in Camden County, Ga.) to points in Florida.

HEARING: September 16, 1960, at the Mayflower Hotel, Jacksonville Fla., before Joint Board No. 64, or, if the Joint Board waives its Right to participate, before Examiner Isadore Freidson.

No. MC 103788 (Sub No. 9), filed April 4, 1960. Applicant: SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *contract or common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products,* in bulk, in tank vehicles, between Louisville, Ky., and a radius of 15 miles thereof, and all points in Indiana.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. In No. MC 59310 (Sub No. 46).

HEARING: September 19, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 155.

No. MC 103993 (Sub No. 133), filed April 11, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boats,* not exceeding 20 feet in length, from points in Florida to points in the United States, including Alaska.

HEARING: September 23, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 105636 (Sub No. 19) (AMENDMENT), filed March 7, 1960, originally published FEDERAL REGISTER issue of April 6, 1960. Applicant: HOLLAND HIGHWAY EXPRESS, INC., Delray Beach, Fla. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas* and *plantains,* and *exempt commodities* when transported at the same time, same vehicle, from Miami and West Palm Beach, Fla., to Chicago, Ill., and New York, N.Y.

CONTINUED HEARING: September 27, 1960, at the U.S. Post Office and Federal Building, Miami, Fla., before Examiner Isadore Freidson.

No. MC 105636 (Sub No. 20), filed April 22, 1960. Applicant: HOLLAND HIGH-

WAY EXPRESS, INC., Delray Beach, Fla. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, from airports within 25 miles of Miami, Fla., including Miami, to Chicago, Ill.

NOTE: Applicant indicates the traffic is that which had an immediate prior movement by air originating in Puerto Rico.

HEARING: September 26, 1960, at the U.S. Post Office and Federal Building, Miami, Fla., before Examiner Isadore Freidson.

No. MC 105636 (Sub No. 21), filed April 27, 1960. Applicant: HOLLAND HIGHWAY EXPRESS, INC., Delray Beach, Fla. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Miami, Fla., to Chicago, Ill.

NOTE: Applicant states the proposed transportation shall be subject to that having an immediate prior movement by water.

HEARING: September 12, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 106603 (Sub No. 61), filed May 6, 1960. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersna, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, from Findlay, Ohio, to points in Michigan on and south of U.S. Highway 16 and on and east of U.S. Highway 27.

HEARING: September 27, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 107496 (Sub No. 166), filed June 6, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, lacquers, varnishes, resins*, and *materials* therefor, in bulk, in tank vehicles, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Minnesota, Nebraska, Iowa, Kansas, Missouri, Arkansas, Oklahoma, Texas, Mississippi, Georgia, Tennessee, Kentucky, Ohio, Michigan, Colorado, Illinois, Louisiana, Alabama, and Indiana.

NOTE: Applicant states all duplicating authority will be eliminated.

HEARING: September 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 108549 (Sub No. 5), filed April 1, 1960. Applicant: MURPHY TRANSPORTATION CO., a corporation, Hampton, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement Pipe*, containing asbestos fibre, from Waukegan, Ill., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: September 19, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 111623 (Sub No. 25), filed May 9, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the site of the Peninsular Portland Cement Division of the General Portland Cement Company plant located in or near North Paulding, Ohio, to points in Indiana, the lower Peninsula of Michigan, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Common control may be involved.

HEARING: September 21, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9.

No. MC 111623 (Sub No. 27), filed May 31, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, in tank vehicles, between Louisville, Ky., and Lima, Ohio.

NOTE: Applicant proposes to transport the above-specified commodity for the account of Sohio Chemical Company. Common control may be involved.

HEARING: September 14, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 112020 (Sub No. 98), filed May 13, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups* and *liquid corn products*, in bulk, in tank vehicles, from Corpus Christi, Texas to points in Arkansas, Oklahoma, and Louisiana.

NOTE: Applicant indicates it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: September 23, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 112020 (Sub No. 99), filed May 13, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *animal fats, products and blends* thereof, in bulk, in tank vehicles, between Kansas City, Kans., and St. Louis, Mo., on the one hand, and, on the other, points in Arkansas, Missouri, Illinois, Tennessee, Oklahoma, Kansas, Nebraska, Iowa, Louisiana, and Texas.

NOTE: Applicant indicates it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: September 23, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 112446 (Sub No. 25), filed March 30, 1960. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, P.O. Box 1165, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to Decatur, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: September 20, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 264.

No. MC 112497 (Sub No. 163), filed June 7, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Baton Rouge, La. Applicant's attorney: Henry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Macedonia, Ark., to Tulsa, Okla.

HEARING: September 29, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217.

No. MC 112520 (Sub No. 41), filed April 8, 1960. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil* and *tall oil products*, in bulk, in tank vehicles, from Panama City, Fla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: Common control may be involved.

HEARING: September 14, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Isadore Freidson.

No. MC 112617 (Sub No. 68), filed May 6, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric (muriatic) acid*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Illinois.

HEARING: September 15, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 1.

No. MC 119621 (Sub No. 1), filed May 5, 1960. Applicant: SARACCO TRUCK-

ING CO., INC., 448 West Broadway, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, and *returned, refused or rejected shipments*, between points in the New York, N.Y., Commercial Zone as defined by the Commission in the fifth supplemental report 53 M.C.C. 451, on the one hand, and, on the other, points in Connecticut and Massachusetts.

HEARING: September 14, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 113790 (Sub No. 6), filed April 20, 1960. Applicant: JOSEPH O. ROE, doing business as ROE BROTHERS TRUCKING COMPANY, 560 North Main Street, Martinsville, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Morgan County, Ind., to points in Will, McHenry, Kendall, Kane, Dupage, Cook, and Lake Counties, Ill.

HEARING: September 22, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 114021 (Sub No. 15), filed May 9, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract* carrier, by motor vehicle, over irregular routes, transporting: *Aluminum siding* and *parts, accessories* and *materials* used in the installation thereof, when shipped in connection with other roofing and siding materials not to exceed 20 percent of the weight of the shipment, 1. From Chicago and Joliet, Ill., and St. Louis, Mo., to Covington, Louisville, and Newport, Ky., points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, those in Pennsylvania on and east of U.S. Highway 219 and those in Nebraska on and east of U.S. Highway 77. 2. From Wilmington, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Hannibal, St. Louis, and St. Louis County, Mo., and those in Nebraska on and east of U.S. Highway 77. 3. From Erie, Pa., to points in Ohio and Indiana and those in New York on and west of New York Highway 14. 4. From St. Louis, Mo., to points in Kentucky, except Louisville, Covington, and Newport, those in Pennsylvania on and west of U.S. Highway 219, those in New York on and west of New York Highway 14, and points in West Virginia. 5. From Joliet and Chicago, Ill., to points in Pennsylvania on and west of U.S. Highway 219, those in Wisconsin north of U.S. Highway 151, and those in Missouri, except St. Louis, Mo. 6. From Lockland, Ohio to points in Wisconsin, Iowa, Indiana, Illinois, Michigan, Missouri, and Kentucky, those in Pennsylvania on and west of U.S. Highway 219, and those in New York on and west of New York Highway 14. 7. From Waukegan, Ill., to points in Michigan, Indiana, Ohio, Iowa, Kentucky, Missouri, Nebraska, Pennsylvania, and those in Wisconsin, except Milwaukee, Racine, and Kenosha, and those in New York, on and west of a line beginning at Port Breeze, and extending along New York Highway 98 to Salamanca, thence along U.S. Highway 219 to the New York-Pennsylvania State line. 8. From Vandalia, Ill., to points in Michigan, Indiana, Ohio, Wisconsin, Missouri, and Iowa, and those in Kentucky on the Ohio River. 9. From East Chicago, Ind., to points in Missouri, Indiana, Illinois, Iowa, Michigan, Ohio, Wisconsin, those in Kentucky on the Ohio River, those in Pennsylvania on and west of U.S. Highway 219, and those in Nebraska on and east of U.S. Highway 77. 10. From Prospect Hill, Mo., to points in Minnesota. 11. From North Judson, Ind., to points in Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee (except Memphis), West Virginia, Wisconsin, and that part of Ohio north of U.S. Highway 36 from the Ohio-Indiana State line to Piqua, Ohio, and east of U.S. Highway 25 from Piqua to the Ohio-Kentucky State line at Cincinnati, Ohio. 12. From Venice, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, points in Pennsylvania on and west of U.S. Highway 219, points in New York on and west of New York Highway 14, and points in Nebraska on and east of U.S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line. 13. From Cicero and Summit, Ill., and Whiting, Ind., to Covington, Louisville, and Newport, Ky., points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, points in Pennsylvania on and west of U.S. Highway 219, those in Nebraska on and east of U.S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line. 14. Between Philadelphia, Pa., on the one hand, and, on the other, points in New York north of a line formed by the northern boundaries of Sullivan, Ulster, and Dutchess Counties.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 16, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 114091 (Sub No. 25), filed April 29, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from Troy, Ind., and points within 10 miles of Troy, to points in Illinois and Kentucky, and *rejected shipments*, of the above-described commodities, on return.

HEARING: September 15, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 1.

No. MC 114835 (Sub No. 7), filed June 3, 1960. Applicant: DULUTH, SOUTH SHORE AND ATLANTIC RAILROAD COMPANY, a Corporation, 1734 Soo Line Building, Minneapolis, Minn. Applicant's attorney: Thomas M. Beckley, General Counsel, Duluth, South Shore and Atlantic Railroad Company, Suite 1734, 105 Fifth Street, South Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, and motor vehicles, which because of size and weight require special equipment, (1) between Houghton, Mich., and Calumet, Mich.; from Houghton over Michigan Highway 26 to Calumet, and return over the same route, serving the intermediate points of Hancock, Dollar Bay, and Lake Linden. (2) Between Houghton, Mich., and Calumet, Mich., over U.S. Highway 41, and return over the same route, as an alternate route for operating convenience only. RESTRICTIONS: (1) The service performed shall be limited to that which is auxiliary or supplemental of applicant's rail service; (2) Applicant shall not render service to or from any point not a station on its railroad lines; (3) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail; (4) The authority granted herein, to the extent it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of the certificate; (5) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operations by motor vehicle to the performance of a service which is auxiliary to, or supplemental of rail service.

NOTE: Applicant states the Canadian Pacific Railway Company controls applicant through ownership of applicant's common stock. The extent of control is 100 percent and the control is direct. See FD 11484. Common control may be involved.

HEARING: September 29, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 115036 (Sub-No. 13), filed May 31, 1960. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's Practitioner: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood*, not activated; *Charcoal Briquettes*, or *Pellets*, in bulk or in packages in straight or mixed truck load quantities, minimum 30,000 pounds. *Hickory Blocks, Chips or Sawdust* in packages in mixed truck loads with either or both charcoal or charcoal briquettes as described herein but not exceeding 20 percent of the weight of the shipment, from points in Osage and Gasconade Counties, Mo., and Baxter and Marion Counties, Ark., to points in Arkansas, Colorado, Illinois, Indiana,

Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and only *empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: September 30, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 115162 (Sub No. 62), filed May 18, 1960. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber bituminized or indurated conduit, pipe and couplings*, from Ironton, Ohio to points in Iowa, Missouri, and Kansas.

HEARING: July 29, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner A. Lane Cricher.

No. MC 116063 (Sub No. 7), filed March 4, 1960. Applicant: C & R TRANSPORT COMPANY, INC., Winnsboro, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in insulated tank vehicles, from Big Springs, Tex., and points within a 50 mile radius thereof, to points in Colorado, and *rejected shipments* of the above-described commodity on return.

HEARING: September 26, 1960, at the Hotel Texas, Forth Worth, Tex., before Examiner Leo M. Pellerzi.

No. MC 116175 (Sub No. 1), filed April 4, 1960. Applicant: A. G. PORTERFIELD, doing business as CITY FEED AND PRODUCE COMPANY, 469 East Sullivan Street, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unprocessed junk metal*, from Kingsport, Tenn., to Cincinnati, Sandusky, and Cleveland, Ohio.

HEARING: September 21, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209.

No. MC 116204 (Sub No. 2), filed May 9, 1960. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Davidson County, Tenn., to points in Colbert, Lauderdale, Lawrence, Madison, and Jackson Counties, Ala., and *rejected or damaged shipments* of fertilizer, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its Nashville, Tenn., plant. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore, dual operations may be involved.

HEARING: September 21, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106.

No. MC 116204 (Sub No. 3), filed May 9, 1960. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from plant of Armour Agricultural Chemical Company, located approximately seven (7) south of Crystal City, Mo., on U.S. Highway 61, to points in Kentucky and Tennessee, and *rejected or damaged shipments* of fertilizer, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its plant near Crystal City, Mo. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore, dual operations may be involved.

HEARING: September 21, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 378.

No. MC 116205 (Sub No. 8), filed May 5, 1960. Applicant: BOB JENKINS TRUCK LINE, INC., P.O. Box 430, Charles City, Iowa. Applicant's attorney: Keith S. Noah, 204½ North Main Street, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, other than hand, (implements and parts to be transported at the same time on the same vehicle as machinery) as described in List 2 and 3 of Appendix XII in *Description in Motor Carrier Certificate* 61, M.C.C. 209, from Memphis, Tenn., to points in Texas.

NOTE: Applicant states it proposes to transport exempt commodities on return.

HEARING: September 19, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 116628 (Sub No. 5), filed June 15, 1960. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 11, 383 Washington Avenue, Belleville, N.J. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, and *materials* and *supplies* used or useful in the operation of such stores, including *empty containers* for such merchandise, materials and supplies, between New York, N.Y., and the sites of retail stores operated by Lord & Taylor, Oppenheim-Collins, and Franklin Simon, in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. RESTRICTION: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Lord & Taylor, of New York, N.Y., Oppenheim-Collins, of New York, N.Y., and Franklin Simon, of New York, N.Y.

HEARING: September 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 116793 (Sub No. 3), filed June 9, 1960. Applicant: EDGAR T. VILLA doing business as VILLA TRANSPORTATION CO., 187 Saranac Avenue, Buffalo, N.Y. Applicant's attorney: Israel Rumizen, 910–912 Walbridge Building, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, including *cottage cheese, cream cheese, butter*, and *pasteurized cheese products*, and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, between Buffalo, N.Y., and Scranton, Philadelphia, Altoona, and Pittsburgh, Pa., Akron, Cleveland, and Youngstown, Ohio, Worcester, Springfield, and Boston, Mass., and New Haven, Conn.

HEARING: September 30, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 117344 (Sub No. 34), filed June 2, 1960. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from Cincinnati, Ohio, and points within ten miles thereof, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

NOTE: Applicant holds contract carrier authority in Permit No. MC 50404 and Subs thereunder. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 50404 Sub 55.

HEARING: September 15, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117391 (Sub No. 6), filed May 5, 1960. Applicant: E. L. REDDISH, P.O. Box 207, Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry* and *animal feed*, in bulk, and in bags, from Marshall, Mo., to Batesville and points in Independence County, Searcy, and points in White County, Conway, and points in Faulkner County, and Clarksville and points in Johnson County, Ark.

HEARING: September 28, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 91.

No. MC 117538 (Sub No. 2), filed May 5, 1960. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co., Legal Dept., (same address as applicant). Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the plant site of the Alpha Portland Cement Company, located in or near Jamesville, N.Y., to points in McKean, Potter, Tioga, Bradford, Cameron, Susquehanna, Sullivan, Lycoming, and Clinton Counties, Pa.

HEARING: September 16, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 118151 (Sub No. 1), filed May 6, 1960. Applicant: R. L. LETSON, 210 Cleveland, Weatherford, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Miles City, Billings, Bozeman, Butte, Great Falls, and Havre, Mont., and ports of entry at the International Boundary line between the United States and Canada between Maida, N. Dak., and Warroad, Minn. On return trips applicant proposes to transport exempt commodities.

HEARING: September 26, 1960, at the Hotel Texas, Forth Worth, Tex., before Examiner Leo M. Pellerzi.

No. MC 118200 (Sub No. 1), filed May 20, 1960. Applicant: CHARLES SHERWOOD, doing business as CHARLES SHERWOOD PRODUCE, 710 West Seventh Street, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to De Kalb, Ill., and points in Indiana.

HEARING: September 12, 1960, at the U.S. Court Rooms, Columbia, S.C., before Examiner Isadore Freidson.

No. MC 119226 (Sub No. 21), filed April 22, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, other than cement, sand, gravel, coal and coke, in bulk, in specialized vehicles, from Indianapolis, Ind., to points in Illinois and Ohio.

HEARING: September 22, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 119333 (Sub No. 1), filed May 20, 1960. Applicant: GERALD C. MOORE, Huntingdon, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Ports of Entry on the International Boundary line between the United States and Canada at or near Trout River, Chateaugay, Champlain, Rooseveltown, and Fort Covington, N.Y., to points in Franklin, Saint Lawrence, and Clinton Counties, N.Y.

HEARING: September 23, 1960, at the Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 119423 (REPUBLICATION), filed January 8, 1960, published in the FEDERAL REGISTER, issue of March 9, 1960. Applicant: WILKEY & LANKFORD, INC., Campbell, Mo. Applicant's attorney: William B. Sharp, 112 East Maine Street, Malden, Mo. Applicant originally sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, (road materials)*, by dump truck, from Campbell, Mo., to points in Clay, Greene, Craighead, and Mississippi Counties, Ark., but at the hearing held on May 3, 1960, it sought to amend the application seeking authority to operate between points in Dunklin and Pemiscot Counties, Mo., on the one hand, and, on the other, points in Clay, Craighead, Greene, and Mississippi Counties, Ark. Although this was an expansive amendment, the Joint Board considered that it should be allowed on the assumption that republication of the authority granted herein in the FEDERAL REGISTER would sufficiently protect any unknown parties deprived of adequate notice. On May 16, 1960, a recommended report and order was served recommending that an appropriate certificate be issued 30 days after publication of the authority granted herein in the FEDERAL REGISTER in order to give possible interested parties notice of the expansion of the scope of this application and to enable them to petition for appropriate relief, if desired, within that time.

No. MC 119450 (Sub No. 2), filed May 20, 1960. Applicant: BARSH TRUCK LINES, INC., 1219½ Main, Joplin, Mo. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Fruits, Frozen Berries, Frozen Vegetables, Frozen Fruit Juices and Frozen Fruit Concentrates in mixed truckloads with Canned Citrus Products*, from points in Florida to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska (except Omaha and Lincoln, Nebr.), and empty containers or other such incidental facilities (not specified), on return.

NOTE: Applicant states it will be agreeable to a restriction requiring that no mixed truckload shall consist of less than 10 percent of either Frozen or Unfrozen Commodities.

HEARING: September 26, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 119478, filed February 4, 1960. Applicant: BENNIE W. HASKINS, doing business as HASKINS TRUCKING COMPANY, 203 East Collins Street, Henderson, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite* and *marble*, from points in Elbert and Pickens Counties, Ga., to points in Colorado, Nebraska, South Dakota, and Wyoming, and *damaged and defective shipments* of the above-specified commodities, on return.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 116087 Sub No. 1; therefore, dual operations may be involved.

HEARING: July 14, 1960, in Room 926 Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Lyle C. Farmer.

No. MC 119621 (Sub No. 1), filed May 6, 1960. Applicant: MARTIN V. KIPP, 84 Worth Avenue, Hudson, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, N.Y., to Great Barrington, Mass., and to points in Massachusetts and Connecticut within fifteen (15) miles of Great Barrington.

NOTE: Applicant has contract carrier authority under Permit Nos. MC 104515 Subs Nos. 1, 2 and 5, and a pending application under MC 104515 (Sub No. 6). Section 210 (dual authority) may be involved. A proceeding has been instituted under section 212(c) in No. MC 104515 (Sub No. 6) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 22, 1960, at the Federal Building, Albany, N.Y., before Joint Board No. 191, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 119649, filed April 6, 1960. Applicant: CHECKERED TRANSFER & STORAGE COMPANY, a Corporation, 300 Garrison Avenue, Fort Smith, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *diary products* as defined in Subdivisions A and B, *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, 272–273, between and including Fort Smith, Ark., and Commercial Zone thereof, and points in Benton, Crawford, Franklin, Johnson, Yell, Logan, Madison, Montgomery, Pope, Polk, Scott, Sebastian, and Washington Counties, Ark., and points in Adair, Haskell, Le Flore, Latimer, and Sequoyah Counties, Okla., and *damaged and rejected shipments* of the above-described commodities on return.

HEARING: September 29, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217.

No. MC 119682, filed April 18, 1960. Applicant: TENNESSEE CENTRAL RAILWAY COMPANY, a Corporation, 158 First Avenue, South, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Hopkinsville, Ky., and Nashville, Tenn., from Hopkinsville over U.S. Highway 41–A to Nashville, and return over the same route, serving the intermediate point of Clarksville, Tenn., and the off-route point of Edgoten, Ky. (2) Between Clarksville, Tenn., and Nashville, Tenn., from Clarksville over U.S. Highway 41–A

to junction Tennessee Highway 12 east of Clarksville, Tenn., thence over Tennessee Highway 12 to junction U.S. Highway 41–A west of Nashville, Tenn., and return over the same route, serving the intermediate point of Ashland City, Tenn. (3) Between Pleasant View, Tenn., and Ashland City, Tenn., from Pleasant View over Tennessee Highway 49 to Ashland City, and return over the same route, serving no intermediate points. (4) Between Nashville, Tenn., and Crossville, Tenn., from Nashville over U.S. Highway 70–N to junction U.S. Highways 70–S and 70, thence over U.S. Highway 70 to Crossville, and return over the same route, serving the intermediate points of Donelson, Lebanon, Carthage, Double Springs, Cookeville, Monterey, Mayland, and Martha, Tenn., and the off-route points of Hermitage, Old Hickory, Mount Juliet, and Algood, Tenn. (5) Between Lebanon, Tenn., and Alexandria, Tenn. (not including Alexandria), from Lebanon over Tennessee Highway 26 to Alexandria (not including Alexandria), and return over the same route, serving the intermediate points of Shop Springs and Watertown, Tenn. (6) Between Alexandria, Tenn. (not including Alexandria) and Carthage, Tenn., from Alexandria (not including Alexandria) over Tennessee Highway 53 to Carthage, and return over the same route, serving the intermediate point of North Alexandria, Tenn. (7) Between Junction Tennessee Highways 53 and 141 west of Gordonsville, Tenn., and Junction Tennessee Highways 141 and 56 east of Silver Point, Tenn., from junction Tennessee Highways 53 and 141 west of Gordonsville, over Tennessee Highway 141 to junction Tennessee Highway 56 east of Silver Point, and return over the same route, serving the intermediate points of Gordonsville, Carthage Junction, Lancaster, and Silver Point, Tenn., and the off-route point of Buffalo Valley, Tenn. (8) Between Junction Tennessee Highways 141 and 56 east of Silver Point, Tenn., and Junction Tennessee Highway 56 and U.S. Highway 70–N, from junction Tennessee Highways 141 and 56 east of Silver Point over Tennessee Highway 56 to junction U.S. Highway 70–N, and return over the same route, serving the intermediate point of Baxter, Tenn. (9) Between Crossville, Tenn., and Junction U.S. Highways 70 and 27, from Crossville over U.S. Highway 70 to junction U.S. Highway 27, and return over the same route, serving the intermediate points of Dorton and Crab Orchard, Tenn. (10) Between Junction U.S. Highways 70 and 27 southwest of Rockwood, Tenn., and Junction Tennessee Highway 61 and U.S. Highway 27 east of Rockwood, Tenn., from junction U.S. Highways 70 and 27 southwest of Rockwood over U.S. Highway 27 to junction Tennessee Highway 61 east of Rockwood, and return over the same route, serving the intermediate point of Rockwood, Tenn. (11) Between Junction U.S. Highway 27 and Tennessee Highway 61 east of Rockwood, Tenn., and Harriman, Tenn., from junction U.S. Highway 27 and Tennessee Highway 61 east of Rockwood over Tennessee Highway 61 to Harriman, and return over the same route, serving the intermediate point of Emory Gap, Tenn. The application indicates service to be performed shall be limited to service which is in substitution of, auxiliary to, or supplemental of rail service; applicant shall not serve any point not a station on its lines; service shall be limited to shipments which have an immediate, prior or subsequent movement of rail.

HEARING: September 26, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 119707, filed April 25, 1960. Applicant: YELLOW TRANSFER COMPANY OF TAMPA, INC., 1509 Gray Street, Tampa, Fla. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tampa International Airport, Tampa, Fla., and St. Petersburg-Clearwater International Airport, Pinellas County, Fla., on the one hand, and, on the other, Orlando Airport, Orlando, Fla., and points in Sarasota, Manatee, Hardee, Polk, Pasco, and Hernando Counties, Fla., restricted to traffic having an immediately prior or subsequent movement by air.

HEARING: September 20, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 119733, filed May 5, 1960. Applicant: MORDECA TRUCKING, LTD., SS 2, Annabelle Street, Hamilton, Ontario, Canada. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Stone,* from points in Indiana to the Ports of Exit on the International boundary between the United States and Canada at Detroit and Port Huron, Mich.

HEARING: September 27, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 119744, filed May 9, 1960. Applicant: GLEN GREENHILL, doing business as GREENHILL TRUCKING, Mill Street, Olive Hill, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flint clay,* from points in Carter County, Ky., to Oak Hill, Ohio.

HEARING: September 16, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37.

No. MC 119746 (Sub No. 1) filed May 27, 1960. Applicant: JOE BALKEMA AND HAROLD VLIETSTRA, a Partnership, doing business as V & B TRUCKING CO., 2525 Emerald Drive, Kalamazoo, Mich. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* and *general building materials* such as windows, shingles, plaster lath, siding, etc., from Kalamazoo, Mich., to points in Indiana north of Indiana Highway 14, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *returned or rejected shipments* thereof, on return.

NOTE: Applicant states the proposed transportation will be under a continuing contract with the Wickes Lumber Company, Kalamazoo, Mich.

HEARING: September 28, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 119776 filed May 12, 1960. Applicant: J. H. PHILLIPS AND JULIAN M CORLEY, doing business as P & G TRUCKING COMPANY, Route 3, Box 210, North Augusta, S.C. Applicant's attorney: J. Fred Buzhardt, McCormick, S.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Brick* and *tile,* from Augusta, Ga., to points in South Carolina. (2) *Clay,* from the International Clay Company, Graniteville, S.C., to Charleston, S.C., and Savannah, Ga. (3) *Fertilizer,* for the Goss Fertilizer Company from Savannah, Ga., and Charleston, S.C., to points in South Carolina.

HEARING: September 12, 1960, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 119780, filed May 16, 1960. Applicant: YOUNG-HART TRUCKING COMPANY, INC., 221 Northeast 28th Street, P.O. Box 4278, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe* and *valves* and *fittings* and *materials,* used in the installation thereof, from Corsicana, Texas and points within 5 miles thereof, to points in Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, New Mexico, Arizona, Utah, Wyoming, and Colorado. (2) *Fertilizer,* in bulk, bags, packages and containers, from Fort Worth and Dallas, Tex., to points in Oklahoma and New Mexico, and *damaged, rejected or returned shipments* of the above described commodities in 1 and 2, on return.

HEARING: September 21, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 119786, filed May 16, 1960. Applicant: MYRON CONKLIN, 4593 East Shore Drive, Route No. 1, Caledonia, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients,* in bulk, and *feed,* in bags, not in excess of 10 tons on any one shipment and moving in truckload shipments with bulk movement of feed and feed ingredients, in vehicles specially equipped with pneumatic handling and air unloading mechanism and devices, from Chicago, Ill., and Hammond, Ind., to points in Michigan, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: September 28, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73.

No. MC 119827, filed June 1, 1960. Applicant: WILLARD CHARLES NICKERSON, doing business as APACHE MOTOR FREIGHT, Willow Run Airport, Ypsilanti, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings & Loan Building, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* having an immediately prior or immediately subsequent movement by air carrier, (1) between the Willow Run Airport located in Wayne and Washtenaw Counties, Mich., and the Detroit Metropolitan Wayne County Airport located in Wayne County, Mich.; and (2) between the Willow Run Airport in Wayne and Washtenaw Counties, Mich., and the Detroit Metropolitan Wayne County Airport in Wayne County, Mich., on the one hand, and, on the other, points in Wayne, Washtenaw, Oakland, Livingston, Lenawee, and Monroe Counties, Mich., and that portion of Macomb County, Mich., which is a part of the Commercial Zone of Detroit, as defined by the Commission, and points in the Toledo, Ohio, Commercial Zone, as defined by the Commission.

NOTE: Applicant states that no duplication of territory is intended.

HEARING: September 26, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 119833, filed June 7, 1960. Applicant: DUANE TROYER, Elgin, Erie County, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Rough lumber,* between points in Pennsylvania on and west of U.S. Highway 220, points in New York on and south of New York Highway 13 from Lake Ontario to Pulaski, N.Y., and on and west of U.S. Highway 11 from Pulaski to the Pennsylvania State line, points in Ohio on and east of U.S. Highway 23 from the Michigan State line to Columbus, Ohio and on and north of U.S. Highway 40 from Columbus to the West Virginia State line, and points in the Lower Peninsula of Michigan.

HEARING: September 29, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

MOTOR CARRIERS OF PASSENGERS

No. MC 5786 (Sub No. 2), filed May 5, 1960. Applicant: H. B. CRENSHAW, doing business as CRENSHAW BUS LINE, P.O. Box 537, Oak Grove, La. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *Passengers and their baggage,* and *express, mail* and *newspapers,* in the same vehicle with passengers, between Eudora, Ark., and Greenville, Miss., from Eudora over U.S. Highway 65 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, and return over the same route, serving the intermediate point of Lake Village, Ark.

HEARING: September 30, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109.

No. MC 41257 (Sub No. 8), filed June 3, 1960. Applicant: NORTH STAR LINE, INC., 341 Ellsworth Avenue SW., Grand Rapids 2, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers,* in the same vehicle with passengers, between St. Ignace, Mich., and Sault Ste. Marie, Mich., as follows: from St. Ignace over U.S. Highway 2 to Sault Ste. Marie, serving the off-route point of Kincheloe Air Force Base over Tone Road, and return over the same route, serving the intermediate points of Rudyard and Kinross.

HEARING: September 30, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 46879 (Sub No. 4), filed May 12, 1960. Applicant: WALTERS TRANSIT CORP., 35–10 43d Street, Long Island City, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers from New York, N.Y., over the New York State Thruway to junction New York Highway 119, thence over New York Highway 119 to junction New York Highway 9A, and thence over New York Highway 9A to junction New York Highway 100, and return over the same route; also on return, over New York Highway 9A to junction New York State Thruway, at Elmsford, N.Y.; also, from junction New York Highways 100 and 118 at Croton Lake, N.Y., along New York Highway 118 to junction U.S. Highway 202, to junction New York Highway 118 and U.S. Highway 6, at Baldwin Place, N.Y., and thence over U.S. Highway 6 to Brewster, N.Y., and return over the same route; also, over U.S. Highway 202 from its junction with New York Highway 118 at Amawalk Reservoir, to junction New York Highway 100 in Somers, N.Y., and return over the same route; also, over U.S. Highway 6 from Baldwin Place to Mohegan, N.Y.; also from intersection U.S. Highway 6 and New York Highway 132 at or near Jefferson Valley, N.Y. to junction U.S. Highway 202, thence over U.S. Highway 202 to junction New York Highway 118 at Yorktown Heights, N.Y., and return over the same route, serving all intermediate points on the above-described routes.

NOTE: Applicant also requests authority to lift the restrictions to authorize service to and from all intermediate points on its present routes between certain points in New York and Connecticut, as specified in Certificate No. MC 46879.

HEARING: September 15, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 119640, filed March 31, 1960. Applicant: MIAMI VALLEY BUS LINES, INC., 212 East Sunrise Avenue, Trotwood, Ohio. Applicant's attorney: Kennedy Legler, Jr., 14th Floor, Third National Building, Dayton 2, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *Passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, between Dayton, Ohio and Xenia, Ohio, from Dayton over U.S. Highway 35 (both new and old), to Xenia, and return over the same route, serving all intermediate points, on both of the above-named highways.

HEARING: September 12, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12730, filed April 1, 1960. Applicant: YOUTH TRAVEL, INC., 12–14 Nickels Arcade, Ann Arbor, Mich. For a License as a *broker* (BMC 5) at Ann Arbor, Mich., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and groups of passengers and their baggage,* between points in Illinois, Indiana, Michigan, and Ohio, and ports located on the Great Lakes in Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, Minnesota, and Wisconsin.

HEARING: September 30, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 12731 filed May 6, 1960. Applicant: LAWRENCE APPLEFIELD AND ROBERT DUNN, doing business as: TEENS-N-TOURS, 1004 White Birch Lane, Wantagh, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a broker at Wantagh, Long Island, New York, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Groups of passengers and their baggage,* in the same vehicle with passengers, in round-trip all expense tours, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, including Ports of Entry on the International Boundary lines between the United States and Canada and the United States and Mexico, including points in Alaska and Hawaii.

HEARING: September 19, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub No. 74), filed June 20, 1960. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except livestock, gasoline and other liquids in bulk, automobiles, coal, sand and gravel, and Portland cement, between Beaumont, Calif., and the junction of U.S. Highway 101 and California Highway 14, from Beaumont,

over U.S. Highway 60 to junction California Highway 18, thence over California Highway 18 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 101, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with its regular-route operations between Denver, Colo. and Tucson, Ariz., and San Diego, Calif.

No. MC 66562 (Sub No. 1689), filed June 9, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Gladstone, Mich., and Sault Ste. Marie, Mich.: from Gladstone over U.S. Highway 2 to junction Michigan Highway 117, thence over Michigan Highway 117 to Engadine, thence over Millecoquins Road to junction Michigan Highway 48, thence over Michigan Highway 48 to junction U.S. Highway 2 at Rudyard, and thence over U.S. Highway 2 to Sault Ste. Marie, and return over the same route, serving the intermediate points of Rapid River, Cooks, Manistique, Gulliver, Engadine, Trout Lake, Rudyard, and Dafter, Mich. RESTRICTION: The service to be performed by applicant under the authorization sought herein will be limited to such as is auxiliary to, or supplemental of, rail, or air express service.

No. MC 67996 (Sub No. 3), filed June 17, 1960. Applicant: BERTRAM L. SMITH, doing business as DISTILLERY TRANSFER SERVICE, Bardstown, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Alcoholic liquors* and *distillers' supplies*, (1) between Jeffersonville, Ind., and Bardstown, Ky.; from Jeffersonville, Ind. across the Ohio River to Louisville, Ky., thence over U.S. Highway 31-E to Bardstown, and return over the same route, serving all intermediate points. (2) Between Bardstown, Ky., and Boston, Ky.; from Bardstown over U.S. Highway 62 to Boston, and return over the same route, serving all intermediate points. (3) Between Bardstown, Ky., and Greenbrier (a station on L. & N. R.R. and is the site of the distillery previously called the Nelson County Distillery) Nelson County, Ky.; from Bardstown over U.S. Highway 62 to a point three miles east of Bardstown, thence over unnumbered county road via Early Times to Greenbrier, and return over the same route, serving all intermediate points.

NOTE: Applicant states it previously applied for this same regular route authority (plus a route segment between Bardstown and Danville, Ky., not included herein) and was issued a Certificate No. MC 67996 (Sub No. 2) on March 9, 1960, granting only part of the authority sought, over irregular routes, and if the instant application is approved applicant will request revocation of MC 67996 (Sub No. 2) which would otherwise duplicate a part of the rights sought herein.

No. MC 68618 (Sub No. 29) filed June 20, 1960. Applicant: LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Ripon, Calif., unrestricted in connection with applicant's presently authorized regular route operations on shipments originating at, or stored at, Ripon, and ultimately destined to points in Washington, Oregon, and California, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities on return.

NOTE: Applicant states it is presently authorized to serve Ripon only on southbound traffic.

No. MC 109540 (Sub No. 20) filed June 15, 1960. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: Harry Ross, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium nitrate* and *sodium nitrate* in bags and in packages, and *empty containers or other such incidental facilities*, used in transporting the above described commodities, between Hopewell, Va., and points in Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Bullitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Daviess, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Henry, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Marion, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Shelby, Trimble, Washington, Wayne, Webster, Whitley, Wolfe and Woodford Counties, Ky., and (2) *Ammonium nitrate, sodium nitrate, fertilizer* and *fertilizer materials* in bags and in packages, *empty containers or other such incidental facilities*, used in transporting the above described commodities, between Hopewell, Va., and points in Adair, Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Clinton, Crittenden, Cumberland, Edmonson, Fulton, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Hickman, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Metcalfe, Monroe, Ohio, Simpson, Spencer, Taylor, Todd, Trigg, Union, and Warren Counties, Ky.

No. MC 110733 (Sub No. 20), filed June 13, 1960. Applicant: ACE FREIGHT LINE, INC., 459 East Mallory Avenue, P.O. Box 10091, McKellar Station, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer compounds, ammonium nitrate*, and *urea*, dry, in bulk or in packages, from El Dorado, Ark., to points in Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 110733 (Sub No. 6) to determine whether applicant's status is that of a common or contract carrier.

No. MC 117201 (Sub No. 1), filed June 13, 1960. Applicant: INTERSTATE DISTRIBUTING COMPANY, INC., 2215 Puyallup Avenue, Tacoma, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated wood ridge, undercourse, shim stock, edging*, and other *shake* and *shingle* items incidental to the application of roofing and siding, and *exempt commodities*, between points in Washington west of the summit of the Cascade Mountains and points in California on and south of a line extending from the California-Nevada State line along U.S. Highway 50 to Sacramento, Calif., and thence along U.S. Highway 40 to Oakland, Calif.

NOTE: Applicant has authority in MC 117201 to transport Wood shingles and shakes from points in Washington to points in California. Any duplication with present authority to be eliminated. Applicant also has a pending contract carrier application under MC 117842. Dual operations under section 210 may be involved.

No. MC 119431 (Sub No. 1), filed June 17, 1960. Applicant: BURNO RICCOMINI, doing business as BRUNO'S GARAGE, 603 Ream Avenue, Mt. Shasta, Calif. Applicant's representatives: Pete H. Dawson, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked* or *disabled automobiles, trucks, tractors*, or *trailers*, in truckaway service by use of wrecker equipment only, from points in California, in and north Mendicino, Glenn, Butte, Sierra Counties, to Eugene, Medford, and Klamath Falls, Oreg.

No. MC 119530 (Sub No. 2), filed June 15, 1960. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, a Partnership, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, bulk petroleum, and those injurious or contaminating to other lading, and *empty containers or other such incidental facilities*, between points in Oregon and

Payette, Idaho, for operating convenience only.

NOTE: Applicant holds contract carrier authority in Permit No. MC 106871. Dual operations under section 210 may be involved. Applicant states it holds intrastate authority in the State of Oregon but the home terminal is located in Payette, Idaho, and for operating convenience only, makes this application restricted to those shipments permitted by the Permits or Certificates issued by the State of Oregon and not permitting interline or interchange except as authorized by other authority held by the applicant.

MOTOR CARRIERS OF PASSENGERS

No. MC 74 (Sub No. 3), filed June 20, 1960. Applicant: ORANGE BALL BUS CO., INC., First State Bank Building, P.O. Box 72, Mission, Tex. Applicant's attorney: Mart Starnes, 401 Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between McAllen, Tex., and the International boundary of the United States and Mexico at the International Bridge; from McAllen over Farm-to-Market Road 1926 to Hidalgo, Tex., thence over U.S. Highway 281 to the International boundary of the United States and Mexico at the International Bridge, and return over the same route, serving all intermediate points.

No. MC 47495 (Sub No. 4), filed June 13, 1960. Applicant: MOUNTAIN VIEW COACH LINES, INC., 38 Lafayette Avenue., Coxsackie, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Middleburg, N.Y., and Catskill, N.Y., (a) from Middleburg over New York Highway 145 via Durham and East Durham, N.Y., to Catskill, and return over the same route, serving all intermediate points; and (b) from Middleburg to Durham as specified above, thence over unnumbered highway to Oak Hill, N.Y., thence over New York Highway 81 to Norton Hill, N.Y., thence over unnumbered highway via South Westerlo, N.Y., to junction New York Highway 32, thence over New York Highway 32 to Freehold, N.Y., thence over unnumbered highway to East Durham, thence to Catskill as specified above, and return over the same route, serving all intermediate points; (2) between Catskill, N.Y., and Norton Hill, N.Y., from Catskill over New York Highway 23 to Cairo, N.Y., thence over New York Highway 32 to Greenville, N.Y., thence over New York Highway 81 to Norton Hill, and return over the same route, serving all intermediate points; (3) between Catskill, N.Y., and Hudson, N.Y., from Catskill over New York Highway 23 to junction New York Highway 9G, thence over New York Highway 9G to Hudson, and return over the same route, serving all intermediate points; and (4) between Greenville, N.Y., and South Westerlo, N.Y., from Greenville over New York Highway 32 to junction unnumbered highway, thence over unnumbered highway to South Westerlo, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to transport the above in conjunction with the authority granted in Certificate No. MC 47495 (Sub No. 3).

No. MC 55312 (Sub No. 8), filed June 15, 1960. Applicant: CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, Tenn. Applicant's attorney: Grove Stafford, 628 Murray Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Nashville, Tenn. and Clarksville, Tenn.: From Nashville over Tennessee Highway 12 to Clarksville, and return over the same route, serving all intermediate points.

PETITIONS

No. MC 46465 (PETITION FOR WAIVER OF § 1.101(e) OF RULES OF PRACTICE TO PERMIT FILING OF RECONSIDERATION PETITION AND PETITION FOR RECONSIDERATION OF APPLICATION AND REOPENING AND MODIFICATION OF COMMODITY DESCRIPTION IN CERTIFICATE, AND FOR OTHER RELIEF), dated May 31, 1960. Petitioner: CHARLES BRADY, doing business as BRADY'S FAST SERVICE, 2215 Amber Street, Philadelphia, Pa. Petitioner's representative: Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa. By Certificate issued February 27, 1942, in No. MC 46465, Petitioner is authorized to transport *Scrap metals*, between Philadelphia, Pa., on the one hand, and, on the other, various named points in Delaware, Maryland, New Jersey and New York. Petitioner prays that the Commission (1) grant his petition for waiver of § 1.101(e) of the rules of practice to permit the filing of his petition for reconsideration, reopening and modification herein, and (2) grant the petition for reconsideration and reopening of this application, and modification of the commodity description in Certificate No. MC 46465 so as to authorize the transportation of: *Burlap* and *burlap bags*, and *bags made of burlap and cotton combined*, and *materials used in the manufacture of such bags*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, Perth Amboy, Carteret, Linden, and Elizabeth, N.J., and Baltimore, Md., and Wilmington, Del. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 113951 (PETITION FOR DECLARATORY ORDER), dated May 27, 1960. Petitioner: M. D. CRESSY COMPANY, INC., 10 Temple Street, Charlestown, Mass. Petitioner's attorney: Raymond E. Bernard, 53 State Street, Boston, Mass. By petition dated May 27, 1960, petitioner points out that the official and public records at the federal court in Boston, Mass., show that the predecessors of petitioner were found guilty and fined $250 for certain violations of the Interstate Commerce Act. It is asserted that subsequent litigation before this Commission resulted in the correction of petitioner's "grandfather" certificates to reflect its true and authorized operation, which removed the basis upon which the said conviction was obtained. Petitioner claims that the said conviction was due to improper representations to the court by this Commission. It requests, among other things, that a declaratory order be entered ruling on "The duty of this Commission and its staff to 'correct' Federal court records where baseless criminal charges were placed before a court." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7472 (correction), published in the June 22, 1960, issue of the FEDERAL REGISTER on page 5715. The title should have been shown as HOUCK TRANSPORT CO.—PURCHASE (PORTION)—JOHN H. COHEE.

No. MC-F 7494 (RINGSBY TRUCK LINES, INC.—PURCHASE—CALIFORNIA EXPRESS, INC.), published in the April 13, 1960, issue of the FEDERAL REGISTER on page 3196. Application filed June 23, 1960, for temporary authority under section 210a(b).

No. MC-F 7563 (correction) (DENVER-CHICAGO TRUCKING CO., INC.—MERGER—THE DENVER CHICAGO TRUCKING CO., INC., OF KENTUCKY), published in the June 22, 1960, issue of the FEDERAL REGISTER on page 5715. The operating rights sought to be merged should have read, in part, as follows: "*General commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between Vincennes, Ind., and Princeton, Ind., serving no intermediate points."

No. MC-F 7573. Authority sought for purchase by CAPITOL MOTOR TRANSPORTATION CO., INC., 296 Main Street, Everett 49, Mass., of the operating rights and property of ALBERT FILLMORE, doing business as FILLMORE TRANSPORTATION, Dudley Town Road, Bloomfield, Conn., and for acquisition by DAVID BORENSTEIN and EVELYN BORENSTEIN (individually and as Trustee for DONALD BORENSTEIN), both of 363 Upham Street, Melrose, Mass., of control of such rights and property through the purchase. Applicants' attorney: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities

in bulk, as a *common carrier* over regular routes, between Hartford, Conn., and New York, N.Y., and between Hartford, Conn., and Rockville, Conn., serving certain intermediate and off-route points; *scrap metals,* over irregular routes, from points in Fairfield, Hartford, Litchfield, New Haven and Middlesex Counties, Conn., to Carteret, Perth Amboy and Trenton, N.J.; *scrap rubber and scrap fire hose,* from New York, N.Y., and points in Westchester County, N.Y., and all points in New Jersey to Naugatuck, Conn.; *used pipe,* from New London, Waterbury and Danbury, Conn., and Springfield, Mass., to New York, N.Y.; *scrap and waste materials,* from Hartford, Conn., to Perth Amboy, N.J., and from London, Conn. (New London), to Jersey City, N.J.; *groceries and containers for groceries,* from New York, N.Y., to Thompsonville, Colchester, and New Haven, Conn., and Springfield, Mass.; *tobacco,* from points in Hartford County, Conn., to New York, N.Y.; *new tires and tubes,* from Chicopee, Mass., to New York and Jersey City and Trenton, N.J.; *asbestos and asphalt roofing materials,* from East Rutherford, Linden Park, Perth Amboy and Maurer, N.J., to Hartford, Conn., and from Edgewater, N.J., to New London, Middletown, Wallingford, Norwich, Waterbury and Moosup, Conn., and Springfield, Mass.; *fresh vegetables,* from points in Hartford and Tolland Counties, Conn., to points in the New York, N.Y., Commercial Zone as defined by the Commission; *empty containers* for fresh vegetables, from points in the New York, N.Y., Commercial Zone as defined by the Commission, to points in Hartford and Tolland Counties, Conn.; *junk,* between all points in Connecticut, on the one hand, and, on the other, all points in Rhode Island. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7575. Authority sought for purchase by WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga., of the operating rights and certain property of TIGER TRUCK LINES, INC. (MOULTRIE NATIONAL BANK, MORTGAGEE), Old American Legion Building, Moultrie, Ga., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights and property through the purchase. Applicants' representatives: Joseph H. Blackshear, Attorney, Gainesville, Ga., Sol Altman, Attorney, Scott Building, Thomasville, Ga., Michel DeLoache, Moultrie National Bank, Moultrie, Ga., Alfred Tweed, Cassidy Road, Thomasville, Ga., and Jack M. Holloway, P.O. Box 828, Thomasville, Ga. Operating rights sought to be transferred: *Lumber,* as a *common carrier* over irregular routes, from points in Georgia to points in Florida; *lumber* (except plywood) from points in Alabama, North Carolina, and South Carolina, to points in Florida, and between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. Vendee is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Florida, Alabama, Connecticut, Iowa, Massachusetts, South Carolina, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Nebraska, Rhode Island, Texas, Arizona, California, New Mexico, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7576. Authority sought for purchase by LIBERTY TRANSFER COMPANY, INC., 5262 Nelson Avenue, Baltimore, Md., of the operating rights and certain property of GEORGE SCHOIERER, East 54th Spring Valley Avenue, Paramus, N.J., and for acquisition by W. ELMER CONSTANTINE, SR., also of Baltimore, of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C. Operating rights sought to be transferred: *Condiments, vegetable oils, butter and lard substitutes, related printed and advertising matter, packing supplies,* and *empty cartons,* as a *contract carrier* over regular routes, from Bayonne, N.J., to Washington, D.C., serving the intermediate point of Baltimore, Md.; *damaged, rejected, or unsalable shipments of the above-specified commodities,* and *empty drums,* from Washington, D.C., to Bayonne, N.J., serving the intermediate point of Baltimore, Md. Vendee is authorized to operate as a *contract carrier* in Maryland, Delaware, New York, Pennsylvania, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7577. Authority sought for control by THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn., of THE SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl Street, Louisville, Ky., and for acquisition by E. WARD KING, E. WILLIAM KING, JOHN R. KING, and MARGARET K. NORRIS, all of Kingsport, of control of THE SILVER FLEET MOTOR EXPRESS, INC., through the acquisition by THE MASON AND DIXON LINES, INCORPORATED. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Nashville, Tenn., and Chicago, Ill., between Chattanooga, Tenn., and Chicago, Ill., between specified points in Tennessee, between Louisville, Ky., and Chattanooga, Tenn., between specified points in Kentucky, between Middlesboro, Ky., and La Follette, Tenn., between Louisville, Ky., and Charlestown, Ind., between Louisville, Ky., and Columbus, Ohio, between Cincinnati, Ohio, and Mt. Vernon, Ky., between Indianapolis, Ind., and Cincinnati, Ohio, between specified points in Indiana, between Norton, Va., and Clintwood, Va., and between Murphy, N.C., and Ducktown, Tenn., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities,* except loose bulk commodities, livestock, Class A and B explosives, currency, bullion, articles of virtu, and commodities exceeding ordinary equipment and loading facilities, between Tazewell, Tenn., and Kingsport, Tenn., serving all intermediate points, and the mining camps within ten miles of the specified route; *general commodities,* except loose bulk commodities, livestock, Class A and B explosives, currency, bullion, articles of virtu, and commodities which are contaminating or injurious to other lading, or which exceed ordinary equipment and loading facilities, between Nashville, Tenn., and Birmingham, Ala., and between Decatur, Ala., and Florence, Ala., serving certain intermediate and off-route points; *general commodities,* except household goods as defined by the Commission, and commodities requiring special equipment, between Murphy, N.C., and Chattanooga, Tenn., serving all intermediate points; *general commodities,* except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Asheville, N.C., and Knoxville, Tenn., between specified points in North Carolina, and between Turtletown, Tenn., and Farner, Tenn., serving all intermediate and certain off-route points; *empty trucks,* between Kingsport, Tenn., and Appalachia, Va., and between Jonesville, Va., and Duffield, Va., serving no intermediate points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Indianapolis, Ind., between points in Anderson, Ind., and between points in Marion, Ind. THE MASON AND DIXON LINES, INCORPORATED, is authorized to operate as a *common carrier* in Tennessee, North Carolina, Georgia, Virginia, New York, New Jersey, Pennsylvania, Maryland, Delaware, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7578. Authority sought for control by THE KAPLAN TRUCKING COMPANY, 1607 Woodland Avenue, Cleveland 15, Ohio, of THOMAS BOYD, INC., 4325 Bath Street, Philadelphia 37, Pa., and for acquisition by SADYE KAPLAN, also of Cleveland, of control of THOMAS BOYD, INC., through the acquisition by THE KAPLAN TRUCKING COMPANY. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Operating rights sought to be controlled: *Commodities,* the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and equipment,* when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment, as a *common carrier* over irregular routes, between points in New Jersey, Maryland, and New York and certain points in Pennsylvania. THE KAPLAN TRUCKING COMPANY is authorized to operate as a *common*

carrier in Michigan, Ohio, Pennsylvania, New York, West Virginia, Kentucky, Illinois, Indiana, New Jersey, Rhode Island, Massachusetts, Connecticut, and Missouri. Application has not been filed for temporary authority under section 210 a(b).

No. MC-F 7579. Authority sought for control by OVID CROUCH, Transport Building, St. Joseph, Mo., of JACKSON TRUCK LINE, INC., U.S. Highway 24, P.O. Box 496, Topeka, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between St. Joseph, Mo., and Shambaugh, Iowa, serving the intermediate points of Clearmont and Elmo, Mo., and Blanchard and Braddyville, Iowa, and the off-route points of Coin and College Springs, Iowa; *general commodities,* except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, over irregular routes, between Clearmont, Mo., and points in Missouri and Iowa within 20 miles of Clearmont (except Maryville and Tarkio, Mo.), on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Kansas. RESTRICTION: The service authorized under the above-described regular-route authority shall not be combined with the service authorized under the above-described irregular-route authority. OVID CROUCH holds no authority from this Commission. However, he is president of CROUCH BROS., INC., Transport Building, St. Louis, Mo., which is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Iowa, Nebraska, Arkansas, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7574. Authority sought for purchase by THE H & W TRANSIT COMPANY, 847 Hanover Street, Meriden, Conn., of a portion of the operating rights and certain property of THE CONNECTICUT COMPANY, 54 Meadow Street, New Haven 6, Conn. Applicant's attorneys: Robert L. Fay, 37 North Main Street, Wallingford, Conn., and Herbert M. Guston, The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn. Operating rights sought to be transferred: *Passengers and their baggage,* restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier* over irregular routes, from points in the Meriden-Middletown area of Connecticut to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, and New Hampshire, and return, and from points in the Meriden-Middletown area of Connecticut to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia, and return. Vendee holds no authority from this Commision. However, EDWARD P. HAYES, doing busines as EDWARD P. HAYES BUS SERVICE, Hayes Road, Rocky Hill, Conn., president and one of the principal stockholders of vendee, is authorized to operate as a *common carrier* in Connecticut, New Hampshire, Massachusetts, and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commision.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5984; Filed, June 28, 1960; 8:47 a.m.]

[Notice 337-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63337. By order of June 27, 1960, the Transfer Board approved the transfer to Midwest-Alaska Freight Lines, Inc., Butterfield, Minn., of Certificate No. MC 96614, issued January 18, 1954, to Arctic Freightways, Inc., Butterfield, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Seattle, Wash., over specified regular routes, to the International Boundary at the ports of entry of Eastport, Idaho, and Sweet Grass, Mont., restricted to traffic moving to the Territories or possessions of the United States. George R. Labissoniere, 333 Central Building, Seattle 4, Wash., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6050; Filed, June 28, 1960; 9:15 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ATLANTIC RESEARCH CORP.

Addition to Membership in the Army Ordnance Integration Committee on Propellants and Explosives

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in the Voluntary Plan entitled, "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Propellants and Explosives," as amended March 21, 1956. The request and revised list of acceptances were published in 24 F.R. 4585, dated June 4, 1959.

Atlantic Research Corp., Alexandria, Va.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R. 5061; Executive Order 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: June 21, 1960.

LEO A. HOEGH, *Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 60-5970; Filed, June 28, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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